

NIGERIA

Legislative Council Debates

Twenty-Third Session

5th, 6th, 7th, 8th, 9th, 16th, 17th, 19th, 20th, 22nd and 24th March, 1945

NOTE

An asterisk (*) against a speaker's name denotes that the transcribed speech has not been revised by the speaker.

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Debates in the Legislative Council of Nigeria

Monday, 5th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Monday, the 5th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G. The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, C.M.G.

The Chief Commissioner, Northern Provinces,

His Honour Sir John R. Patterson, K.B.E., C.M.G.

The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.

The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.

The Attorney-General,

The Honourable H. C. F. Cox, K.C.

The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.

The Director of Medical Services,

Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E. The Director of Education,

The Honourable R. A. McL. Davidson.

The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.

The Comptroller of Customs and Excise, The Honourable J. McLagan, o.B.E.

The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.

The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.

The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.

The Senior Resident, Bornu Province,

Captain the Honourable E. W. Thompstone, M.C. The General Manager, Nigerian Railway,

- The Honourable A. J. F. Bunning.
- The Director of Public Works,

. The Honourable H. E. Walker, C.B.E.

The Acting Director of Agriculture, The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G.,

Development Secretary (Extraordinary Member).

The Honourable G. L. Howe,

Solicitor-General (Extraordinary Member).

The Honourable N. S. Clouston, O.B.E.,

Commissioner of Lands and Director of Surveys (Extraordinary Member).

The Honourable E. A. Miller,

Commissioner of Labour (Extraordinary Member).

The Honourable B. E. Frayling, O.B.E.,

Chief Inspector of Mines (Extraordinary Member).

The Honourable R. J. Hook, D.F.C.,

Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar,

The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division,

Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C. The First Lagos Member,

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos,

The Honourable J. F. Winter. The Second Lagos Member,

The Second Lagos Member,

The Honourable Ernest Ikoli.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Commercial Member for Port Harcourt,

The Honourable Fred Edmondson.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E. The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division,

The Honourable J. Ogboru.

The Third Lagos Member,

The Honourable E. A. Akerele. The Member for the Rivers Division.

The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division,

The Honourable E. N. Egbuna.

The Member for the Ibibio Division,

The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

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ABSENT

OFFICIAL MEMBERS

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province,

The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province,

Captain the Honourable J. P. Smith.

The Resident, Ondo Province,

The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

The Honourable W. B. Dare.

Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The Member for Shipping,

The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 23rd March, 1944, having been printed and circulated to the Honourable Members were taken as read and confirmed.

OATHS

The Honourable G. F. T. Colby, Acting Deputy Chiel Secretary; Captain the Honourable E. W. Thompstone, M.C., Senior Senior Resident, Bornu Province; the Reverend and Honourable Canon S. A. Delumo, Member for the Egba Division; the Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member); the Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member) and the Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member), took the Oath as Members of the Council.

ANNOUNCEMENTS

His Excellency :

Gentlemen, before proceeding with the business on the Agenda, I am sure it would be your wish that we, as a Council, leave on record a sense of our deep regret at the two losses which death has recently brought amongst us, and an expression of our deep sympathy with the relatives.

Mr P. G. Harris, Senior Resident of the Cameroons, after twenty-six year of service, died just before coming to attend this Council.

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Yesterday the death occurred of Doctor Henry Carr, a former member of this Council. He had a distinguished public service behind him, and, after he retired from that public service, had been known throughout West Africa, and in fields much further than that, as a leader of culture and learning, and a pillar of the Anglican Church. He is indeed one of the sons of Africa of whom Africa should be proud.

I ask you to stand for a minute in silence as a record of our sympathy.

PAPERS LAID

The Hon. the Acting Chief Secretary to the Government :

Sir, I beg to lay the following papers on the table :---

- Sessional Paper No. 7 of 1944—Report on the Accounts and Finances for the year 1942-43.
- Sessional Paper No. 8 of 1944—Report on the Medical Services for the year 1942.
- Sessional Paper No. 9 of 1944—Annual Report on the Geological Survey Department for the year 1943.
- Sessional Paper No. 10 of 1944—Annual Report for the Northern, Western, Eastern Provinces and the Colony, 1943.
- Sessional Paper No. 11 of 1944—Annual Report on the Nigeria Police 1943.
- Sessional Paper No. 12 of 1944—Annual Report on the Agriculture Department for the year 1943.
- Sessional Paper No. 13 of 1944—Report on the Progress of Co-operation in Nigeria, 1943-44.
- Sessional Paper No. 14 of 1944—Report on the Audit of the Accounts of the Nigerian Government Railway (including Road Motor Services) for the year ending 31st March, 1943.
- Sessional Paper No. 15 of 1944—Annual Report on the Forest Administration of Nigeria for the year 1943.
- Sessional Paper No. 16 of 1944—Annual Report on the Railways for the year 1943.
- Sessional Paper No. 17 of 1944—Annual Report for the year 1943— Prisons Department, Nigeria.
- Sessional Paper No. 1 of 1945—Annual Report of the Public Works Department for the Financial year ended 31st March, 1944.
- Sessional Paper No. 2 of 1945—Address by His Excellency the Governor Sir Arthur Richards, G.C.M.G., to the Legislative Council, 5th March, 1945.
- Sessional Paper No. 3 of 1945—Report on the Medical Services for the year 1943.
- Sessional Paper No. 4 of 1945—Political and Constitutional Future of Nigeria.

Sessional Paper No. 5 of 1945—Annual Report on the Department of Labour, Nigeria, for the year 1943.

Sessional Paper No. 6 of 1945—Preliminary Statement on Development Planning in Nigeria.

Annual Report by the Registrar of Companies, 1944.

Report of the Standing Committee on Finance for the period from February, 1944, to January, 1945.

Subsidiary Legislation made since the last meeting of the Council. Draft Estimates, 1945-46.

Draft Railway Estimates, 1945-46.

Certificate of Urgency in respect of the Appropriation Bill, 1945-46.

QUESTIONS

NOTE.—Replies to Questions Nos. 5 and 6 by the Honourable the Member for the Calabar Division, Nos. 11-14, 21, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 35, 36, 39, 40, 43, 45-50, 52, 53, 56-60, 64, 66, 70 and 71 by the Honourable the Third Lagos Member, Nos, 76-83, 86 and 87 by the Honourable the Member for the Oyo Division, No. 93 by the Honourable the Member for the Oyo Division, No. 93 by the Honourable the Member for the Ibibio Division, Nos. 106, 107 and 109-111 by the Honourable the Member for the Ijebu Division, Nos. 117-124 by the Honourable the Second Lagos Member, Nos. 127 and 129 by the Honourable the Member for the Egba Division, Nos. 130, 132-134, 137 and 138 by the Honourable the Member for the Calabar Division, No. 140 by the Honourable the Member for the Liebu Division, are not yet ready.

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

1. Will the Honourable the Director of Public Works make a statement to show the amount of money spent yearly for the past five consecutive years in maintaining the streets in the Calabar Township, by the Public Works Department and what is the number of the streets (or roads) and their total length?

Answer-The Hon. the Director of Public Works :

Expenditure during the last five years has been

				£
1940-41	 			1,004
1941-42	 			1,200
1942-43	 			1,100
1943 - 44	 	• • • •		1,613
1944-45	 			1,990
			-	

Total ... £6,907

There are fifty-six streets and roads with a total length 20.5 miles: The Member for Calabar (The Rev. & Hon. O. Efiong):

2. Will the Honourable the Director of Public Works please indicate when he is proposing to make a new and better landing stage or wharf at Oron, especially in view of the fact that his serious attention has been for years invited to the gravity of the situation? Answer-

The Hon. the Director of Public Works:

Although the project has been borne in mind for a number of years it has hitherto not been possible to make provision in the annual estimates owing to greater urgency of other items. The project is now being submitted for consideration for inclusion in the 1945-46 programme of works under the Colonial Development and Welfare Scheme for improvement of roads. Materials required for construction have recently been obtained from surplus stores on the Gold Coast.

Supplementary to Question 2.

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

Is the Honourable the Director of Public Works aware that I have been asking questions in this House for nearly eight years regarding the Oron Pontoon and nothing has been done; and will he treat the matter as urgent and tell us when something will be done?

Answer-

The Hon. the Director of Public Works:

Something will be done as soon as sufficient staff is available.

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

3. Will the Honourable the Director of Medical Services be gracious enough to furnish statistics to show: ---

- (a) Number of Beds, Nurses, Doctors and Assistant Medical Officers in each of the following African Hospitals; Lagos, Port Harcourt, Enugu, and Calabar for the past three consecutive years?
- (b) Number of Acting appointments as Senior Medical Officers for the past three consecutive years.
- (c) Number of Acting Senior Medical Officers and Medical Officers who have been promoted to the grade of Senior Medical Officers for the past five consecutive years.

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Answer— The Hon. the Director of Medical Services : $\binom{a}{2}$

<i>(a)</i>								
Station	Year	Beds	Nurses	S.M.O.	Sen. Spec.	М.О.	A.M.O.	Remarks
Lagos.	1941	213	93	1	-	2+2	3	Period JanJune
	- 5			1	-	HP&S 3+1 HP&S	5	July-Dec.
P'Hct.	1941	130	13	-	1	-	2	JanDec.
Enugu	1941	72	14	1	—	1	2	JanDec.
Calabar	1941	102	22		-	2	· 1	JanDec.
Lagos	1942	246	84	1	-	3 3+2 HP & S	63	JanJune July-Dec.
P'Hct.	1942	130	32	-	1		2	
Enugu	1942	72	18	1	-	1	2	
Calabar	1942	124	23	-	10,1	2	1	
Lagos.	1943	246	120	1	-	4+2 HP & S	4	As on 1.2.43
	-			1	-	HP&S	4	As on 1.5.43
	1			1	-	4+3 HP&S	3	As on 1.9.43
				1	-	4+2 HP&S	3	As on 1.12.43
P'Hct.	1943	130	30	-	1	1	2	_
Enugu	1943	72	22	1		1	2	
Calabar	1943	124	24			2	ſ	
A								

H.P. & S. = House Physician and Surgeon. (b) 20. (c) Nil.

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

4. Will the Honourable the Director of Education please make a statement to indicate the steps Government is taking to combat illiteracy to its entire liquidation in Nigeria or parts thereof?

Answer-

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The Hon. the Director of Education :

The steps proposed by Government are an extension of training facilities for men and women teachers, propaganda and survey work in suitable areas to prepare the way for adult literacy; the expansion of the Literature Bureau at Zaria and the award of linguistic studentships tenable at the School of Oriental and African Studies; the pre-vocational training of West African troops serving abroad; the encouragement of Education Committees for common discussion and concerted effort; the provision of full-time classes and part-time continuation classes in those subjects required by the industries of the Territory; a preliminary assessment, in a backward area, of the community as it is living at present with the object of obtaining an estimate of the likely changes to be brought about in the life of the people by educational and welfare activities; and, in general, the integration of the development machinery of the Territory.

The Honourable Member will appreciate that the rate at which illiteracy can be liquidated in Nigeria depends in large measure on the peoples themselves and on the emergence of wise leadership. Government proposes to give guidance and encouragement in the manner already indicated.

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

7. (a) Has Government made an inquiry into labour conditions on the N'dian Estate? If so,

(b) Is it a fact that each labourer is usually assigned four hundred palm trees daily, from which to pick clusters of palm fruits and carry to the nearest station on the truck line and pile them into the trucks, all of which task, it is alleged, occupies about eleven hours a day at a stretch without even a break?

(c) Is it a fact that each member of the mill staff works continuously for more than twelve hours a day?

(d) Is it a fact that housing conditions for the labourers are most unsatisfactory, as many as twenty-seven persons sleeping in a room measuring twelve feet square?

(e) What is the minimum wage scale approved by Government for use in N'dian Plantation, and are any labourers paid below that wage scale?

(f) What method of thorough and regular inspection by Government Labour Officers is in force in N'dian Plantation and at what dates in each of the last three years was such inspection conducted, and by whom? And will Government kindly lay the report of each such inspection on the table of this Honourable Council?

Answer-

The Hon. the Chief Secretary to the Government :

(a) No special inquiry has been made.

(b) No.

(d) No.

(e) None. Government does not lay down or approve minimum wage scales other than for its own employees save in the circumstances described in section 5 of Ordinance No. 40 of 1943.

(f) There is no branch of the Labour Department in the Cameroons, and owing to shortage of staff the branch at Calabar was during a large part of the past year supervised by the Labour Officer who was also in charge of Enugu. There is therefore no method of regular inspections by Government Labour Officers at N'dian Plantation. Inspections of the Plantation have been carried out both by Administrative Officers and by Labour Officers as opportunity occurs.

1942. The Labour Department did not come into being as a separate department until October 1942 and no inspections by a Labour Officer were made during the year. An Administrative Officer inspected N'dian in October.

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⁽c) No.

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1943. No inspections by a Labour Officer.

1944. Inspections of the N'dian Estate were made by Labour Officers in June and August. Government is not prepared to print and distribute to members of this Council routine inspection reports written by officers in the course of their duties. Apart from other considerations the expense of publishing all such reports would be prohibitive.

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

8. To ask the Honourable the Director of Education what increase in the number of Special Register teachers he proposes to provide for in the Estimates for 1945-46. What is the aggregate number of uncertificated teachers in Nigeria of at least seven years' unbroken teaching service who are eligible for enrolment in this Special Register but who are denied this privilege of special registration?

Answer-

The Hon. the Director of Education:

It is not proposed to increase the number of "Special Register" teachers. The increase in the Grants-in-aid Sub-head is designed to diffuse education more widely and not to raise the salaries of uncertificated teachers.

2. The Honourable Member's attention is invited to paragraph 25 of the Ten Year Educational Plan in which "Special Register" teachers are described as "selected, experienced uncertificated teachers who have successfully undergone a one year's training course." The second part of the question does not, therefore, arise.

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

9. To ask how soon Government will put into operation the scheme of pensions for teachers in the Assisted Schools?

Answer-

The Hon. the Chief Secretary to the Government :

On the 1st of April, 1945, if the Secretary of State approves certain proposals which this Government has submitted to him.

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

10. To ask the Honourable the Chief Secretary to the Government whether Government has instituted an inquiry into the labour conditions in the tin mines of the Northern Provinces, and, if so, to request the Government to make a statement to this Honourable Council on the present labour conditions in these mines and the lines along which it is proposed to effect improvements as regards:—

(a) Adequate remuneration, including cost of living award.

(b) Housing.

(c) Hours of work and overtime pay.

(d) Educational, Medical, Maternity and other social facilities.

(e) Adequate compensation for injuries and for diseases arising from the work in the mines.

(f) Pension or superannuation benefits.

(g) Abolition of forced or compulsory labour, and

(h) Regular official inspection.

Answer-

The Hon. the Chief Secretary to the Government :

Government has not instituted a special inquiry, but has made and will continue to make such enquiries as are considered necessary. It is not easy to obtain the full information which is needed before any radical alteration of the present conditions can be suggested to, or imposed on the mining industry, and the danger of a reduction in output resulting from the abandonment of the present system cannot be disregarded. The four **Tr**ade Unions which represent employees in the principal employing companies have not reached the stage of development at which they could assist by increasing Government's knowledge of the facts. The appointment of a Labour Advisory Board to examine and make recommendations concerning the conditions of employment of labourers engaged on task work in the tin field is under consideration.

2. With regard to the special aspects of the labour conditions referred to by the Honourable Member,

- (a) The basic minimum earnings have increased from 5d to 10d a day since the outbreak of war, an increase of 100%. The cost of living has increased considerably, but not by 100%. The effect of the increase in the cost of living on real wages has been modified by the action of employers, who with the active support and co-operation of Government have made supplies of essential foodstuffs available to their employees at prices below those which obtain in the local markets.
- (b) All daily paid labourers are provided with houses free of rent. The war has greatly increased the number of men engaged in mining at a time when there is an acute shortage of imported building materials and man-power for building, and some over-crowding has resulted in the temporary quarters built of local materials which have been constructed. The employing companies have under consideration the improvement of existing housing facilities, but long term policy must inevitably await the end of the war when the requirements will be more accurately known.
- (c) Wages are normally calculated on piece work, not on the basis of a daily rate of pay plus overtime if a fixed number of hours is exceeded. The standard of the tasks set for the day has been reduced in view of the number of new and inexperienced men incapable of completing a task of prewar standard. A skilled man can thus complete a standard task in considerably less than a normal day, and is paid extra for any work done in excess of a standard task.
- (d) No facilities of the kind mentioned are provided exclusively for the mines as distinct from the area in which the minesfield is situated. The medical facilities in the area which are available to all mining interests and extensively utilised have been greatly improved in the past two years by building extensions to existing hospitals and by the

construction of a new hospital at Barakin Ladi, and a number of medical field posts. The area is now served by the three Government hospitals at Jos, Kafanchan and Barakin Ladi and by the Sudan United Mission hospital at Vom. There are in addition twenty Native Administration dispensaries and eight medical field posts. The special needs of the mining area will be taken into consideration together with the needs of other areas in the general plans made for post-war development.

- (e) The Workmen's Compensation Ordinance, No. 51 of 1941, and the Minerals (Amendment) Ordinance, No. 4 of 1942 provide compensation for injuries which is adequate. Government is not aware of any diseases attributable to work in the mines.
- (f) Pension or superannuation benefits are not directly the concern of Government, though Government would willingly assist the representatives of the industry in the application of any schemes for such benefits which they may have under consideration. The principal obstacle to be overcome is that the great majority of the labour is casual, not permanent. The normal practice is for a labourer to work for a few months only in each year, and until this practice ceases and a permanent labour force is gradually built up it is difficult to frame a long-term policy.
- (g) Compulsory labour was abolished on the 1st of April, 1944.
- (h) Regular official inspections have been made and will continue to be made by officers of the Mines and of the Labour Department. Since the post of Administrative Director of Minerals Production was abolished a branch of the Department of Labour has been established with its headquarters at Jos which, among other duties has the responsibility of inspecting conditions of labour in the tin mines.

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

15. To ask if it is a fact that women are now appointed into Native Administration Council in Ondo District?

Is such appointment, if true, tentative, experimental or permanent?

Do women in that province pay taxes and are they entitled to franchise?

Answer-

The Hon. the Chief Secretary to the Government:

(a) Women are not appointed to the Ondo District Council.

(b) Women do not pay tax in Ondo Province. The question of franchise does not arise.

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

16. To ask :---

(a) When and why the province of Egan to Lokoja was divided between the Emir of Kakanda Aganju, Seriki Agbaja and Seriki Aluji?

(b) What stipend per annum is given to each of the Rulers?

(c) As a postwar organisation will Government not restore the Emir of Kakanda to his pristine status of overlord of Egan to Lokoja with commensurate increased stipend?

Answer-

The Hon. the Chief Secretary to the Government :

(a) There has never been a province of Eggan. The chieftainships of Kupa, Kakanda, Eggan and Aworo (Agbaja) formed the Aworo Division of the Kabba Province from 1910 to 1934 when, after investigation, a reorganisation took place and Agbaja, populated largely by people with Yoruba affinities, was placed with tribes of like customs in the Kabba Division, while Kupa, Kakanda and Eggan became part of the Koton Karifi Division. They share a common treasury, but each chief is an independent native authority.

		2	
(b) Chief of Kupa	 2	 81	
Chief of Kakanda	 	 57	
Chief of Eggan	 	 39	

(c) No, Sir. To attempt to reorganise these tribes on lines suggested in this question would be to disregard realities and all the changes which have taken effect in the tribes within historical times.

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

17. How many Goldsmiths are now licensed to prosecute their trade in Nigeria?

(b) Now that Government succeeded in regulating the trade is it prepared to help the Goldsmiths to get regular supply of gold and silver to carry on their trade without let or hindrance?

Are there any foreigners among those licensed, what are their nationalities?

Answer-

The Hon. the Chief Secretary to the Government :

(a) Up to the end of January, 1945, 232 goldsmiths had been licensed.

(b) It is the policy of Government to permit licensed goldsmiths to acquire limited quantities of raw gold for trade purposes; the means of implementing that policy are under active consideration. Government is not in a position to assist goldsmiths to obtain supplies of silver since no silver is available for import into Nigeria.

(c) The Honourable Member presumably means non-Nigerians when he refers to "foreigners". 5 licences have been issued to non-Nigerians: 2 to Syrians and 3 to Gold Coastians.

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

18. In view of the fact that demand is being made that employees of Native Administration should possess the same qualifications as those of Imperial Government, to ask if their salaries should not be brought into line with the latter with provision for pension?

Answer-

The Hon. the Chief Secretary to the Government :

The salaries of Native Administration staff have in fact been revised, with effect from the 1st of January, 1943, to bring them into line with corresponding salary scales and conditions of Government service, based on the principle of similar pay for similar qualifications and responsibilities.

With regard to pension provision the Native Administrations are at present considering whether to adopt the new scheme of Superannuation referred to by the Honourable the Attorney-General in paragraph 1 of his Objects and Reasons for the Bill for an Ordinance to be cited as the Government and Railway Servants (Withdrawal from Provident Funds) Ordinance, 1945.

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

19. To ask :---

(a) If there is any rule, regulation or order to prevent any native ruler and his chiefs from awarding honours or titles to any foreigners—Missionaries, Government Officials or Commercial Agents in return for appreciated services rendered not implying taking part in civic or political council of the district or territory?

(b) If there is counter rule, regulation or order to debar any non-native Missionary, Government Official, or Commercial Agent from receiving native honours or titles with tokens or insignia of the honours or titles when offered or given by any competent native ruler in Council?

Answer

The Hon. the Chief Secretary to the Government :

(a) No, Sir.

(b) European Government officials may not accept native honours or titles since to do so would be contrary to Colonial Regulation 59. The acceptance of such honours and titles by persons not in the Government service is a matter for their own discretion.

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

20. Taking into consideration the traditional detestable enormities well known to be perpetrated at the funeral of any Oba of Yoruba-land in the past, to ask if Government will not now appoint a Commission of Enquiry into the mode of performing sepultural ceremonies of the Oba in Yoruba portion of Nigeria and advise it whether it is necessary or not for the ceremonies to be gone through particularly the nocturnal ones, in the presence of Government representatives? Answer-

His Honour the Chief Commissioner, Western Provinces:

Government is unaware of any detestable enormities practised at the present time, whatever may have occurred in the past, and does not consider that a Commission of Inquiry on the lines suggested is either necessary or desirable.

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

22. To ask (a) How many Engine Drivers are in the service of the Nigerian Railway—European and African?

(b) who are responsible for the repeated derailments of trains during the months of November and December, 1944, which delayed passengers for about two days to reach their destinations?

(c) Are there any regulations guiding engine drivers as to the speed of running trains, and is it compulsory for them to exceed speed limit when the train is late or delayed by unforeseen circumstances to gain the time lost?

(d) Was inquiry made into the cause or causes of the derailments of the trains referred to above, what were the findings, was any penalty dispensed?

Answer-

The Hon. the Chief Secretary to the Government :

(a) 9 European Drivers.

207 African main line drivers.

100 African shunting drivers.

(b) Two major derailments were due to carelessness on the part of the drivers and one to the inefficiency of the station staff. Two derailments were caused by defects developing on vehicles, one of which was on the way to the workshops for repair and the other on its last trip prior to its periodical overhaul. Two derailments were due to defects in our war time utility locomotives.

(c) Yes, Sir, the Working Time Table lays down the speed limits allowed on all sections of the Railway. Far from being compulsory, exceeding the speed limit when a train is late or delayed in order to gain the time lost is an offence and proved cases result in disciplinary action against the drivers concerned.

(d) Inquiry was made into the cause or causes of each of the derailments in accordance with normal practice. The findings in brief are given in (b) above. Disciplinary action has been taken against all the railway servants at fault.

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

23. In order to rest the community assured that the rank and file of the Nigerian Police Force are equitably remunerated, to ask the Honourable the Commissioner of Police to give in tabulated form comparative wages of corresponding ranks in the Gambia, Sierra Leone and the Gold Coast?

Answer-

The Hon. the Chief Secretary to the Government :

In the following statement of comparative wages the figures given for the Gold Coast, Sierra Leone and the Gambia are those in force in 1943. So far as is known there has since been no change :---

	Scales of Am	nual Salaries			Allognances	Calculated	on a Mar	imum Annua	I Rasis		
	Scales of An					Nigeria	1	d Coast	Sierra Leone	Gambia	Mar.
Rank	Nigeria	Gold Coast	Sierra Leone	Gambia	ambia Rank		Good Conduct Pay	Long Service Pay	Good Conduct Pay	Efficiency Pay	5, 1945]
	Force Rates	General Police				Force Rates	General				
Sergeant-Major	£84-3-96	£ s d	£ s d 127 15 0- 4 11 3-	£sd	Sergeant-Major	£_s	£	£s	£ s	£s	
Detective Sergeant Sergeant	£66-3-78	91 5 0	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	63 17 6; 73 0 0;	Detective Sergeant Sergeant	_	18	60		4 10	. Coun
Corporal Lance-Corporal Constable—1st Class ,, 2nd ,, ,, 3rd ,, Recruit	£48-3-60 £42 £36-3-39 £33 £27-3-30 £24	73 0 0 63 17 6 54 15 0 45 12 6	109 10 0 	60 16 8 57 15 10 51 14 2 45 12 6 36 10 0 22 16 3	Corporal Lance-Corporal Constable1st Class ,, 2nd ,, ,, 3rd ,, Recruit	4 10 4 10 4 10 4 10 4 10	18 18 18 	4 10 4 10 3 0	4 10 4 10 4 10 4 10	4 10 4 10 4 10 4 10 4 10 4 10	Council Debates
Sergeant-Major Sergeant Corporal Lance-Corporal Constable—1st Class ,, 2nd ,, ,, 3rd ,, Recruit	Northern Provinces Rates $\pounds72$ $\pounds42$ $\pounds36$ $\pounds30$ $\pounds27$ - $\pounds24$	Escort Police 127 15 0 91 5 0 63 17 6 45 12 6 41 1 3 36 10 0 31 18 9			Sergeant-Major Sergeant Corporal Lance-Corporal Constable—1st Class ,, 2nd ,, ,, 3rd ,, Recruit	Northern Provinces Rates 4 10 4 10 4 10 4 10 4 10	<i>Escort</i> 9 9 9 9 9 9 9 9	Police 6 0 6 0 4 10 			

Notes :--

(a) The Gold Coast, Sierra Leone and Gambia Forces are still paid at daily rates.
(b) In Nigeria all ranks below that of corporal are eligible for a maximum of three good conduct badges each carrying 1d per diem allowance.
(c) In the Gold Coast all ranks from constable to sergeant inclusive are eligible for a maximum of six good conduct badges each carrying 2d per diem in the case of General Police, and 1d per diem in the case of Escort Police.

(d) In Sierra Leone 1st, 2nd and 3rd class constables only are eligible for a maximum of three badges each carrying 1d per diem.
(e) In the Gambia all ranks from constable to sergeant inclusive are eligible for efficiency pay up to a maximum of 3d per diem.
(f) In the Gold Coast only, long service pay is granted, in addition, to all ranks from constable to sergeant inclusive at rates varying from 1d to 4d per diem.

5

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

24. To ask (a) How many cattle were fattened in Agege since the acquisition and opening of the pen?

(b) How were they disposed of?

(c) Did the experiment justify its inauguration?

(d) Is there any European in charge of it and how many Africans are engaged to look after them?

(e) What are their aggregate wages?

Answer-

The Hon. the Director of Agriculture:

(a) Two hundred and twenty-six beasts have been handled since the inception of the scheme.

(b) They were disposed of to Messrs John Holt and the West African Cold Storage Co. and to local buyers.

(c) The experiment is not yet finished but it is fully justifying its inauguration. The scheme has had a temporary set-back owing to an outbreak of disease, but valuable information is being obtained regarding the possibilities for, and economics of, cattle fattening in the South.

(d) The supervision of the Fattening Scheme constitutes part of the duties of a European Officer who is responsible also for the Yaba Dairy and the Agricultural Experiment station at Agege.

One African Agricultural Assistant and three Overseers are engaged on full time duty on the Fattening Scheme.

(e) The monthly cost of Staff and Labour, excluding European supervision is $\pounds 149$.

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

25. To ask (a) If the Honourable the Manager of the Railway is aware that the daily congestion in the suburban trains between Lagos-Idogo-Abeokuta is due to the market women dumping their loads in the coaches from entrance to the seats thus preventing ordinary passengers from comfortable journey to and fro?

(b) Will he cause vigilant attention to be given to this irregularity and thus relieve both passengers and engine of the inconvenience?

Answer-

The Hon. the General Manager of the Railway:

(a) The General Manager is aware of the congestion in the Lagos-Idogo-Abeokuta trains and has already caused additional rolling stock to be made available in order to alleviate the position.

(b) The Railway staff have been instructed to take all possible steps to prevent loads being placed in the coaches in such a manner as to cause inconvenience to other passengers.

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

27. To ask if the Railway Management would inform its public patrons why its stations from Mushin upwards are enveloped in

darkness and no guiding light in the lamp-posts is lit as hitherto and the passengers have to grope in darkness to entrain and detrain at all stations where there are no electric light?

Answer-

The Hon. the General Manager of the Railway:

Station Masters have standing instructions to light platform lamps when dealing with passenger trains during the hours of darkness. This instruction has been recently reaffirmed and disciplinary action will be taken if failures to observe it are brought to the attention of the General Manager of the Railway.

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

28. To ask if Government would appoint Hospital Visitors for important central towns throughout Nigeria, whose duties would be:—

(a) To inquire into the attendance, comfort and diet of the patients?

(b) To report their findings from time to time to the Honourable the Director of Medical Services for his guidance and action?

Answer-

The Hon. the Director of Medical Services :

Yes. The formation of a Hospital Visiting Committee for the African Hospital, Lagos, is already under consideration.

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

29. To ask (a) the distance an Official or Commercial Agent European or African living at Baro has to travel when taken suddenly ill or in case of accident, before he could get qualified Medical Doctor to attend to him?

(b) Are there any reliable dispensaries between Baro and Minna where first aid could be administered?

Answer-

The Hon. the Director of Medical Services :

(a) The nearest Government Medical Officer is stationed at Bida which is forty-eight miles from Baro on a motorable road.

(b) The nearest dispensary at which first aid may be rendered is at Katcha fifteen miles from Baro on a motorable road.

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

30. In view of the increased population of the Ikeja district and distressing reports reaching headquarters daily about dastard deeds of burglars and impostors from remote parts of the area; to ask if Government would not consider the desirability of reinforcing the Police Force of the District and place full-time Superintendent in charge of the whole area under whose supervision would also be Native Administration Police for efficient patrol duties? and Industries, which it is proposed to establish in the near future. At present no definite statement can be made as to the future of individual industries after the war.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan) :

85. Is the Government aware that the recent removal of Duties on imported flour and sugar affects seriously the local production of wheat and sugar which has been encouraged by the Government and that such removal of Duties results to underselling of local production of wheat and sugar on which a great many of the Northerners depend? If so, is it the intention of Government to discourage the local production of wheat and sugar?

Answer-

The Hon. the Chief Secretary to the Government :

No, Sir. There is no indication that the removal of the duties on imported flour and sugar has in any way affected production of locally grown wheat and sugar cane.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan) :

88. Is Government aware that the condition under which the Interpreters were recently merged into clerical service of the Provincial Administration Department has greatly prejudiced the chances of promotion to the former clerks of the department and that it has secured for this class of officials an advantage over the former clerks? If so, will Government consider the advisability of ameliorating the position of such clerks and preserve their erstwhile seniority.

Answer-

The Hon. the Chief Secretary to the Government:

With a view to allaying the fears which appeared still to prevail that the seniority accorded to Interpreters who were merged into the clerical service in 1939 may have prejudiced the chances of promotion of some clerks in the Provincial Administration, instructions were issued in November last that the conditions of the merger and the effects of it should both be particularly borne in mind when promotions are being made to the grade of First-class Clerk. As, however, seniority is not the only or principal factor in deciding promotions Government is not now prepared to consider any variation in the relative seniority of clerical staff affected by the merger.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

89. (a) To ask Honourable the Chief Secretary to the Government whether there is any truth in the rumour being carried all about in the Oyo Province that the Government had selected and sent three educated Yorubas to study linguistics in the United Kingdom and what are the names of these gentlemen and their tribes and or sub-tribes?

(b) Were the missionary authorities consulted and that they were satisfied that these men are qualified in every respect to write Yoruba literature on their return from Europe?

Answer-

The Hon. the Chief Secretary to the Government :

(a) Yes, Sir. Three Yoruba and two Ibo candidates have been selected for linguistic studentships at the School of Oriental and African Studies. The names and sub-tribes of the Yoruba candidates selected for studentships are as follows:

For a post-graduate studentship:

Mr J. S. Ogunlesi, B.A. (London)-Ijebu.

For studentships:

Mrs A. Morgan (nee Akinyele)-Ibadan.

Mr J. O. Ajibola-Egba.

(b) The candidates were selected by the Government Scholarship Selection Committee with the advice of the Education Department in consultation with the missionaries concerned and the Yoruba Language Society, in particular the Right Revd. Bishop Taylor, C.B.E. and the Honourable A. Alakija, C.B.E. Full account was taken of the linguistic ability of the candidates as well as of their general education.

The Third Lagos Member (The Hon. E. A. Akerele):

90. To ask the Honourable the Chief Secretary to the Government:

(a) Whether the decision of the Rt. Honourable the Secretary of State for the Colonies on the question of extension of the Pension Scheme to Artizans and all other workers on the Staff Establishment of the Nigerian Railway Service has now been received; if so,

(i) what are the terms; if not, (ii) whether same can now be called for by cablegram in order to allay the dailymounting anxieties of those concerned?

(b) Whether in actual fact the Rt. Honourable the Secretary of State for the Colonies has approved of a single simple superannuation scheme for the entire African Staff; if so what are the difficulties in applying that scheme to employees of the Nigerian Railway Department on the Staff?

Answer-

The Hon, the Chief Secretary to the Government :

(a) Yes.

(i) The Secretary of State has approved. of the introduction of the superannuation scheme referred to in paragraph 1 of the Attorney-General's Objects and Reasons for the Bill for the Government and Railway Servants' (withdrawal from Provident Funds) Ordinance.

(ii) Does not arise.

(b) See (a) (i) above.

The Third Lagos Member (The Hon. E. A. Akerele):

91. To ask the Honourable the General Manager, Nigerian Railway: Whether any scheme exists for the training locally of suitably qualified Artizans in the service of the Nigerian Railway to enable them to assume posts of responsibility in the Civil and Mechanical Engineering Departments of the Nigerian Railway. If so, to be good enough to lay details of the scheme on the table of this Honourable House. Answer-

The Hon. the General Manager of the Railway:

Yes, Sir. Full details were published in Gazette No. 12 of 1942.

The Third Lagos Member (The Hon. E. A. Akerele):

92. To ask the Honourable the General Manager, Nigerian Railway: Whether in actual fact the highest post at present held by an African worker in the Mechanical Department of the Nigerian Railway carries emoluments equivalent to those attached to the post of a Chief Clerk; and whether holders of these posts in actual fact perform duties normally performed by Europeans? If so, (i) how many persons hold such posts and (ii) will the Honourable the General Manager in the interests of equity recommend that the principles of Sessional Paper No. 10 of 1938 be applied to these posts so that the holders of the posts may be regarded at exactly three-quarters the European equivalent for the post?

Answer-

The Hon. the General Manager of the Railway:

The highest post of Workshop Foreman carries emoluments equivalent to those of a Chief Clerk: the holders of these posts perform duties previously performed by Europeans.

(i) Four.

(ii) It would not be in the interest of the present holders for me to do so.

The Third Lagos Member (The Hon. E. A. Akerele):

94. To ask the Honourable the General Manager, Nigerian Railway: Whether in actual fact the Railway Authorities in conjunction with the Nigeria Government contemplate the grant of scholarships to enable deserving youngmen in the service of the Nigerian Railway to proceed to the United Kingdom for studies in Railway Civil and Mechanical Engineering? If so

- (i) will the Honourable the General Manager lay on the table of this Council full particulars of the annual number, prerequisites, and other conditions of the scholarships contemplated?
- (ii) The minimum cadre on the "European" grades for which the proposed scholarships are designed?

Answer-

The Hon. the Chief Secretary to the Government :

Yes Sir.

(i) It is proposed to select two trainees every year for a two year course: fees and subsistence allowances will be borne by the Nigerian Railway.

(ii) Such trainees will be eligible for appointment as Assistant Engineer, Assistant District Running Superintendent or Assistant Traffic Officer.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 95. To ask the Honourable the Director of Public Works:

(a) Whether owing to the present difficulty, in some cases, of

dangerous operations in handling Motor Cars, Lorries and Cattle on to Messrs Elders Ferry, M.V. Oron, alongside Oron Pontoon and the serious inconvenience and delay to passengers, it is now contemplated to improve the present Pontoon?

(b) Or, it is proposed to start the erection of a new Pontoon during the year 1945?

(c) If not, why not?

(d) Would the Honourable the Director consult Messrs Elder Dempster Lines Limited, before any improvements were put into work, as to what was required?

Answer-

The Hon. the Director of Public Works:

(a) and (b) The Honourable Member is referred to the reply to Question No. 2.

(c) Does not arise.

(d) Messrs Elder Dempster have already been consulted.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 100. To ask the Honourable the Director of Marine:—

(a) Whether a survey of Stubbs Creek has been undertaken?

(b) If so, what are the possibilities of opening same in the near future?

Answer-

The Hon. the Director of Marine :

(a) Yes, Sir.

(b) Dredging is necessary before the Creek can be used and it is unlikely that this work will be completed this year as the dredger to be used for this purpose has yet to be assembled and taken to Stubbs Creek from Lagos.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

102. To ask: Whether Government intends in its scheme to develop secondary industries, as part of the Post War Development scheme, to foster among others, such industries as will provide employment in semi-skilled and unskilled light manual labour for illiterate and semi-literate Nigerian women?

- Answer-

The Hon. the Chief Secretary to the Government :

The Honourable Member is referred to the reply to Question No. 84. No definite statement can yet be made as to the effect of future industrial development on the employment of women, but the desirability of providing increased employment suitable for women in the large towns is recognised by Government.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 103. To ask the Honourable the General Manager, Nigerian

Railways :--

(a) What substantial reasons he has for not consenting to run Train service to Oron as had been envisaged several years ago by his predecessors so as to link up Calabar—Oron with the Western and Northern Provinces? (b) Would he consider places like Ikot-Ekpene, Uyo, Oron, Eket, Itu and Opobo in his Post-War Development Scheme?

(c) If not, why not?

Answer-

The Hon. the General Manager of the Railway:

(a) The Honourable Member is referred to the record of the Legislative Council Debates for March 16th, 1944 pages 254 and 255.

(b) No new construction of railway is at present contemplated.(c) Vide reply to (a) above.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

105. To ask :---

Does Government intend after the war to introduce a Marketing Scheme for the sale of Palm Oil and Kernels and other primary products of this country, to ensure for the producer the maintenance of a steady price for his produce, and the maximum possible proportion of the sales, proceeds of his produce on the markets of the world, on similar lines to the scheme for the marketing of cocoa outlined in the recent parliamentary White Paper on Cocoa and explained in an article by the Director of Supply, Nigeria, released to the Press in November last?

Answer-

The Hon. the Chief Secretary to the Government :

The questions raised will receive the consideration of this Government.

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

108. Is it a fact that the Nigerian Government has taken over from the Lagos-Ikorodu Road Committee, the construction of Lagos-Ikorodu Road, if so,

(a) Will Government make a statement as regards its present plans and intentions as to when it is expected to construct:

(i) Lagos-Ikorodu Road,

(ii) Ishara-Ibadan Road,

(iii) Lagos-Benin City Road.

(b) Is it intended to construct Lagos-Ikorodu Road and Ishara-Ibadan Road as one complete route as Lagos-Ikorodu-Ishara-Ibadan Road?

(c) If the three routes are to be constructed separately, may I know in what order it is expected to take each of them, and what is the cost of construction of each Road?

(d) May I know whether it is a fact that an Engineer is at present working on Ibadan side of Ishara-Ibadan Road, and if so,

(e) What is the nature of his work there?

(f) Is it correct that a new route other than the route originally mapped out is being cut out?

(g) Can I take it that the route is still to take the route from Ibadan to Omi River and from there straight on to a place known

as Abule Balogun via Sotayo Village to Ona River and down to Ishara a shorter distance to a new route which I understand is now being cut out by an Engineer?

(h) Can Government give a clear description of the route from Ibadan side right to Ishara town, stating the number of bridges required and the number of culverts to be built?

Answer-

The Hon. the Chief Secretary to the Government :

No, Sir.

(a) The three roads mentioned are included in the schedule of roads to be constructed under the Colonial Development and Welfare Scheme Road Programme. It is not possible to give any definite date for construction at present.

(b) The Lagos-Ikorodu and Ishara-Ibadan Roads are separate projects.

(c) See (a) above.

(d) No. Sir.

(e) A small amount of preliminary work on the improvement of the existing road is in hand supervised by the ordinary Provincial staff.

(f), (g) and (h) It is not possible to make a decision on the final line until the survey is completed.

The Member for the Ijebu Division (Dr the Hon. N. T. Olusoga): 112. In view of the considerable hardship and loss it has imposed upon farmers and producers generally, would the Government not reconsider the present control and restriction Order on Gari and cancel the Order recently made by the Governor to deliver Gari at considerably reduced price in Ijebu Province, as the Order has occasioned a lot of inconvenience and trouble: Or in the alternative, increase the price by additional 4s 6d per bag?

Answer-

The Hon. the Chief Secretary to the Government:

A seasonal rise in the control price of gari in the Ijebu Province from 5s 6d to 7s 6d per bag of 186 pounds has recently been approved. Some relaxation in the movement of gari has also been permitted.

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

113. Can the Nigerian Government state that the Pullen Scheme has been a success with special reference to Gari since it was possible for the Medical Officer of Health to condemn out of Pullen's stock 2,000 bags as unfit for human consumption, and same dumped into the Lagoon?

Answer-

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The Hon. the Chief Secretary to the Government:

Yes, Sir. The gari in question had nothing to do with the ordinary operations of the Lagos Market Scheme but was purchased at Government's request to meet an emergency in the Northern Provinces. The emergency proved less protracted than had been anticipated and Capt. Pullen was left with a large stock of gari on his hands that could not, owing to the plentiful supply of gari on the open market in Lagos at that time, be disposed of before it deteriorated.

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

114. May I know when is it that Government intends to introduce direct Telegraph and Telephone Lines to Ijebu Remo District?

Answer-

The Hon. the Chief Secretary to the Government :

A telephone and telegraph line connecting Ijebu Ode with Shagamu is on the first priority list with many other projects but it is not possible to give a definite date when the work can be undertaken.

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

115. Following up the Address of Welcome presented to His Excellency the Governor on 1st April, 1944, by the Akarigbo and Council of Ijebu Remo, may I know when is it that Government intends to give Hospital facilities to the people of Ijebu Remo in compliance with their repeated request as the needs of the people are becoming increasingly great.

Answer-

The Hon. the Director of Medical Services :

The Honourable Member is referred to the reply given on 13th March, 1944, to a similar question. The needs of Ijebu have not been overlooked in the plans for post war development but at the present stage it is not possible to state when additional staff will be available for the construction of new hospitals and their maintenance.

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

116. To ask the Chief Secretary to the Government; (a) How many different Officers have held the office of Chief Secretary to the Government of Nigeria since 1930? and (b) the duration of the time each held the office and the period actually spent in Nigeria by each during the tenure of that office?

Answer-

The Hon. the Chief Secretary to the Government :

(a) Four.

	Length of Appointment	Resident in Nigeria
(b) (1) Mr G. Hemmant (2) The late Sir John Maybin	3 years, 11 months 3 years, 8 months	2 years, 11 months. 2 years, 10 months.
(3) Sir Charles Woolley	3 years	2 years, 6 months.
(4) Mr A. W. G. H. Grantham	3 years	2 years, 1 month.

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

125. To ask the Honourable the Financial Secretary whether he could state the number

(a) of Europeans and

(b) Africans employed

on the pensionable establishment of the Nigeria service during the financial years 1940, 1941, 1942, 1943 and 1944 and the total expenditure incurred for emoluments showing (a) and (b) separately?

Answer-

The Hon. the Chief Secretary to the Government :

No, Sir. These figures could not be obtained with accuracy except by prolonged research.

The Second Lagos Member (The Hon, Ernest Ikoli):

126. To ask the Honourable the Chief Secretary to the Government:-

(a) How soon it is proposed to make public the report of the Tew's Commission on Lagos lands which sat in Lagos in 1939, and

(b) Whether any steps were being taken to give effect to the recommendations contained in the report?

Answer-

The Hon. the Chief Secretary to the Government :

(a) Government is not in a position to give any indication as to

when the Report will be published. (b) Yes, Sir. Legislation to give effect to Sir Mervyn Tew's recommendations has been drafted and is now receiving the consideration of the Secretary of State.

The Member for Egba Division (The Rev. & Hon. Canon S. A. Delumo):

128. Will the Government give Agriculture a prominent place in the post-war reconstruction scheme for Nigeria?

Answer-

The Hon. the Chief Secretary to the Government: Yes. Sir.

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

131. Is it a policy of the Nigerian Government that Africans are not to be appointed as Magistrates Full Powers in the Northern Provinces of Nigeria?

(a) If not, how many such appointments have been made in the Northern Provinces of Nigeria up to date?

(b) If no such appointments have been made, why not for all these years?

(c) Are there no men qualified either as Barristers or Solicitors who are available to be appointed Magistrates Full Powers in the Northern Provinces of Nigeria?

(d) If the knowledge of the languages of the natives in each magisterial area in the Southern Provinces is not a qualification for the appointment of a Magistrate Full Powers in the Southern Provinces of Nigeria, would the knowledge of Hausa Language be a necessary qualification for the same appointment in the Northern Provinces of Nigeria?

Answer-

The Hon. the Chief Secretary to the Government:

No, Sir, but a distinction must be drawn between the appoint ment of magistrates and their posting. Magistrates are appointed for Nigeria and are liable to be posted to either the Northern or Southern Provinces.

(a) Three African magistrates have been posted to magisterial areas lying partly within the Northern Provinces.

(b) and (c) Do not arise.

(d) A knowledge of Hausa is not an essential qualification for posting to the Northern Provinces. It is however desirable.

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

135. Is there a permanent Court House at Bauchi wherein either His Honour the Judge or the Magistrate sits when holding Sessions there? Does similar condition exist in Yola and some other parts in the Northern Provinces of Nigeria? If not, why not?

Answer-

The Hon. the Chief Secretary to the Government:

There is no permanent Court House at either Bauchi or Yola. Permanent court buildings are required at many places throughout the Protectorate. The requirements of Bauchi and Yola are not as urgent as those of many other places.

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

136. Is it a fact that though there is a permanent court house in Jos, the High Court Sessions in Jos have been held in the Police Lecture Room at the Police Barracks almost regularly in the last two years ending December, 1944? If it is a fact what are the reasons for departing from the old age practice of holding High Court Sessions in permanent Court Houses?

Answer-

The Hon. the Chief Secretary to the Government :

Yes, Sir. The reason is that immediately opposite the permanent Court House there have been established the offices of the Transport and Oil Control Authorities and a motor park. The resultant noise interferes materially with proceedings in Court. The Police Lecture Room is situated in a quiet locality and is a convenient size and shape for a Court.

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

139. How many parts of the register for trained nurses are there? How is the register divided? Why is it divided?

Answer_

The Hon. the Director of Medical Services :

The Register of Nurses trained in Nigeria is divided into three parts namely :---

- (i) Part I for Nurses trained in Government Hospitals.
- (ii) Part II for Nurses trained in Native Administration Hospitals.

(iii) Part III for Nurses trained in Mission Hospitals.

For convenience of classification and reference,

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ADDRESS BY HIS EXCELLENCY THE GOVERNOR

HONOURABLE MEMBERS,

Another year has come and gone and, in accordance with the practice which found favour with you last year, I have had my Annual Address[†] printed and circulated to you before the meeting. It is comprehensive and somewhat lengthy, but I have tried to make it as informative as possible. It has been in your hands for a week now, to enable you to read it at leisure, with the attention which I venture to think it deserves. I shall assume a knowledge of its contents and shall endeavour to avoid repetition in this speech. It remains for me to point the moral and adorn the tale, and to give some clear indications of Government policy on major issues.

Two other documents of supreme importance have also been laid on the table today—a copy of my Despatch to the Secretary of State making proposals for a new Constitution for Nigeria and also a preliminary statement of our Development programme for the next ten years. I ask you to study them both with the greatest care. Much thought by many people, European and African alike, has gone to their composition. I think I am justified in hoping that they will meet with your approval.

To my mind development and politics are closely interlocked. It is not by accident that I lay before you at this session a vast Development programme and proposals for a new political Constitution. The Secretary of State has told us that political progress can have little reality unless and until it is under-pinned by corresponding social and economic development. The Rhodes Professor of Imperial History reminds us that the corollary is also true, that most of the schemes for promoting social and economic welfare will depend for their success upon the sense of civic responsibility or sense of community which training in local self-government can alone provide. In other words the promotion of health, education, better food and more diversified industries must go hand in hand with the building of a body politic. Our proposals represent an endeavour to treat development, economic, social and political, as a coherent whole. The development proposals you will doubtless refer to during the Budget debate.

My printed Address contains a clear and unequivocal statement of financial policy and I need not repeat it again. The Financial Secretary in his Budget Speech will deal in more detail with our financial position and I do not wish to anticipate him other than to say that in my opinion this is no time for half-hearted measures. If we believe, as I do, in the future of Nigeria we must take fortune at the flood and stake our all on success. Confronted by the immensity of the task one is tempted to stand in pause where we should first begin. I have tried to resist that temptation and trust I shall have your support for the immediate action I am asking you to approve. The Development Secretary, in seconding the Financial Secretary, will give you a review of development,

+ Printed as Appendix to First Day's Proceedings.

explaining the foundation which is being laid and the progress made to date.

The political proposals will form the subject of a special debate at the end of the other Council business. If that course is acceptable to you, gentlemen, the Chief Secretary will propose a Resolution approving the proposals and after debate a vote will be taken and a verbatim report of the debate will be submitted at once to the Secretary of State. It will therefore be desirable, to avoid repetition, for Honourable Members to reserve their views on the Constitution for the special debate and confine their Budget speeches to the usual review of our affairs.

In explanation of the policy behind my recommendations my mind turns back to the record of a great Liberal Statesman of the last generation. After mentioning the need to strive after the bestowal, so far as the nature of things will ever permit it, of equality of opportunity, he says that a modern society is only safe in proportion as it summons capacity to its public counsels and enterprises; that such a society to endure must progress; that progress on its political side means more than anything else the substitution of Justice as a governing idea, instead of Privilege, and that the best guarantee for justice in its public dealings is the participation in their own government of the people most likely to suffer from injustice.

I want to emphasize those principles to the best of my ability. I believe in insisting on capacity, irrespective of colour, for the public service. The test should be—must be—not what is the racial classification of any given candidate, but is he adequately equipped for the job? I have no prejudices save one against incapacity, and I suggest that that is a principle, not a prejudice. It is the declared policy of the Nigerian Government to press on the provision of means for Africans to acquire the necessary qualifications. The process has not been as speedy as many of you desire. It has certainly not been as speedy as I myself wish. I hope that the present Budget and the other proposals before you will convince any doubter that we mean to accelerate the pace by every means available.

Some say that I have sacrificed prudence to progress and stretched reform to the verge of sanity. I know that there are risks, but, as I have said elsewhere, a refusal to take risks is a sign of political insolvency. I believe my proposals to be practicable. I have never been able to see why prescience should be the monopoly of men who despair of improvement, nor why they alone should be judges of what is practicable. The daily iteration of short-sighted commonplaces, whether it be by those who decry the possibility of progress or by those who demand it with unreasoning haste, contributes nothing to the solution of our problems. None knows better than I do that enthusiasts without capacity are the really dangerous people. A new vision and a broader purpose has come to the world from the strain of this war. The tale of humanity is one of high purpose and halting achievement. I know too well that mere political forms cannot succeed where the spirit and the faith are lacking. The moral forces behind Government

matter more than the forms of government. The most they can do is to provide an open field for public-spirited endeavour, to give to honest and enlightened men the right and the power to serve their country and to learn to use political power with tolerance and with wisdom. I am sanguine enough to believe that the proposals before you will do that. We shall of course make mistakes, both Europeans and Africans. It is not given to any man or body of men always to be right, and even genius has its days of shortened vision. But if we are honest and earnest we can wring future success from our present difficulties. I stress the need of honest and impartial thought. All countries provide instances, today as yesterday, of men who have not appreciated the magnitude of principles which nominally occupy their minds but really only exercise their tongues. We must not expect too early or too easy a solution of our problems. The disappointment which inevitably follows upon extravagant optimism damps the wings of hope and brings discouragement and faltering purpose in its train.

One other subject I wish to face and in that connection to make an unequivocal declaration of Government policy regarding it. I refer to the relations between Government and "big business" and to the charges of "exploitation" so freely and, I suggest, sometimes so recklessly and superficially made.

I would first ask you to listen to a quotation which seems to me very relevant to the question :---

"There are plenty of ugly things about wealth and its possessors in the present age, and I suppose there have been in all ages. There are many rich people who so utterly lack patriotism, or show such sordid and selfish traits of character, or lead such mean and vacuous lives, that all right-minded men must look upon them with angry contempt; but, on the whole, the thrifty are apt to be better citizens than the thriftless; and the worst capitalist cannot harm labouring men as they are harmed by demagogues. As the people of a state grow more and more intelligent, the State itself may be able to play a larger and larger part in the life of the community, while at the same time individual effort may be given freer and less restricted movement along certain lines. There may be better schemes of taxation than those at present employed; it may be wise to devise inheritance taxes and to impose regulations on the kinds of business which can be carried on only under the especial protection of the State; and where there is a real abuse by wealth it needs to be, and in this country generally has been, promptly done away with; but the first lesson to teach the poor man is that, as a whole, the wealth in the community is distinctly beneficial to him; that he is better off in the long run because other men are well off; and that the surest way to destroy what measure of prosperity he may have is to paralyze industry and the well-being of those men who have achieved success."

Those words, pregnant with wisdom and experience, were written by Theodore Roosevelt over forty years ago. They are worthy of our attention in Nigeria today. We have heard much of "exploitation," so much indeed that it has become almost synonymous with " success." Much of the unfavourable comment made concerning successful men or successful companies is based on confusion of thought. There are two kinds of exploitation, one good and the other bad. The exploitation of individuals is clearly bad. With the growing conscience of our time —in European countries as in Africa—labour codes and protective legislation of all kinds have brought State intervention into every walk of life. We are not yet at the end of such State intervention, but let me say, quite frankly, gentlemen, that exploitation of the individual is not a purely European importation. The worst cases I know in Africa have been exploitation of Africans by Africans.

Let us turn now to the other kind of exploitation-exploitation say of agricultural possibilities or of mineral deposits. As Professor Harlow has pointed out, such exploitation is essential for the future well-being of colonial peoples. Without western capital and western organization, cultural and political progress at this stage in Nigeria would be impossible. I would only qualify this statement by the proviso that a proper proportion of the new wealth so created is used to build healthy bodies and to provide ethical and mental training. It is our responsibility to see that Government control is wisely and effectively used. The idea of the State as a constructive agency charged with the task of promoting social welfare and improving the standard of living is relatively new. But it is there, and is accepted today both by business interests and by the Government. It is not profitable to argue about what was or was not done in an imperfect past. As the Prime Minister said long ago-if we quarrel about the past we shall lose the future. It is the policy of this Government to work with Africans and with " big business" in a tripartite partnership for the good of the people. I am not suggesting that business interests are likely or able to transform themselves into philanthropic institutions, but I do say, emphatically, that because we have seen a new vision of the united destiny of nations of the British Commonwealth, we have no right to deny an equal enlightenment to business, European or African. They, too, may have the vision of a public duty beyond the realm of profit. I hold no brief for business, big or small, but I do hold a brief for common-sense and common justice and I feel that within a framework of Government regulation private enterprise has a great contribution to make to the future welfare of Nigeria and its people.

One more statement of policy. I have, as you know, gentlemen, done very extensive travelling during the past fourteen months and have gathered some definite impressions of the administration. One of these I wish to mention here and to give to my decision all the publicity which this occasion carries. It seems to me that the administration is too loosely knit and that a lack of general co-ordination has deprived Government efforts of some of the effective force which comes from joint effort. There has been a growing tendency towards departmentalism and the emergence of insulated departmental autocracies. The present Government intends to control the policy of all departments and to insist that at each level of the Administration the

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Administrative officer-in-charge, whether it be the Chief Commissioner or the Resident or the Divisional Officer, must be regarded as the captain of a team which works together for the benefit of the people and the progress of the country, and as such he must be in a position to co-ordinate effort without, of course, in any way interfering with the technical achievement of an accepted purpose. I am aware that it is not the function of this Council to interfere with the executive personnel. We deal with finance, with policy and the legislation needed to effect it. We are not an Executive Council. But I have thought it desirable to complete the picture of my political proposals by giving you this general outline of how the administration will work in practice. I intend to combine with a strict control of policy from the centre a large measure of devolution of executive power to the regional groups, the Provinces and the Divisions. Devolution is necessary not only from the Centre to the Chief Commissioners, but also from the Chief Commissioners to the Residents and from the Residents to the Divisional Officers. In a country so populous and so physically large as Nigeria, it is only in this way that training in the speedy assumption of responsibility according to the level of the authority concerned can be obtained, and only so can administration and their share in it and concern with it be made a living local fact to the people of the country.

I thank you for your attention. I have detained you too long, gentlemen. We have a heavy agenda before us and time presses. To us, to all the partner nations which share the destiny of England and make up the British Commonwealth, the issue is clear. The future holds great responsibilities if we do not flinch before its challenge. Looking at the stormy horizon one may well murmur the prayer of Tennyson :—

"We sailed wherever ship could sail,

We founded many a mighty state,

Pray God our greatness may not fail

Through craven fears of being great."

NOTICE OF MOTION .

The Hon. the Acting Chief Secretary to the Government :

Your Excellency, I ask your permission to give notice of a Motion. I beg to give notice that at a later stage of this meeting I shall move the following motion :---

"Be it resolved : that this Council signifies its approval of the proposals for constitutional reform set out in Sessional Paper No. 4 of 1945, and recommends them for adoption."

RESOLUTIONS

The Hon. the Financial Secretary :

Your Excellency, I beg to move :

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

The Report, Sir, speaks for itself, and I have nothing to add to it,

The Hon. the Comptroller of Customs and Excise :

I beg to second.

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Resolution adopted

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following Resolution standing in my name on the Agenda, namely :---

"Be it resolved : That this Council approves :---

(a)	the appropriation from the General Revenue Balance of the following sums :—	£
	To Reserve Fund	500,000
<i>(b)</i>	the appropriation from the Net Revenue Account of the Nigerian Railway of the following sums :	
	to make provision for the cost of capital improve- ment in respect of the relaying of the Minna-Jebba Section	150,000
	(<i>ii</i>) to the Emergency Rolling Stock Reserve in respect of Purchases from the United States of America under Lease/Lend Agreement	150,000
	(iii) to make provision for essential capital works other than the Minna-Jebba Relaying	87,420 "
		£387,420

The first part of the Resolution asks this Council to vote a further half million pounds into the General Reserve Fund. It is now expected that the current financial year will end with a surplus that may be as large as £800,000; and it has been the prudent policy of Nigeria in the past to make appropriations from any large annual surpluses to its reserves. At this time last year, as the Council will remember, I moved a resolution to appropriate, out of the surplus of 1943-44, £500,000 to the general Reserve Fund, £500,000 to the Supplementary Sinking Fund, and £60,000 to the Marine Renewals Fund. The estimated surplus for the current year does not permit of our making appropriations to reserves on quite such a lavish scale as that; but we can easily afford to transfer £500,000 from it to the general Reserve Fund. The purpose of this Fund, Sir, is to meet any annual excesses of expenditure over revenue that may be too large to be met from our unappropriated reserves. If, as may happen over a period of years, expenditure largely exceeds revenue, we shall have this Fund, among others, to fall back on to fill the gap between expenditure and revenue. Now in your Address, Sir, you have made it quite clear that during the next few years we shall probably need all the reserves we can scrape together to meet the rising tide of our expenditure, and it is therefore only common prudence and commonsense to lay by this money in reserve when we have it,

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The next part of the Resolution, Sir, refers to appropriations from the net revenue account of the Nigerian Railway. It is proposed in the first place to vote £150,000 for capital improvements on the Minna-Jebba section of the line. I think Honourable Member's are aware that this section of the line has to be relaid, and where any section has to be relaid it is inevitable that the need for capital improvement should arise. This is a second instalment. This time last year the Council voted £150,000 for the same purpose.

The next part of the Resolution provides for the payment of £150,000 into the Emergency Rolling Stock Reserve, which we are building up to provide money to pay eventually for Lease/Lend equipment received from America. The Railway has received locomotives and rolling stock to the value of about half a million pounds under the Lease/Lend agreements. We do not know yet whether we shall have to pay for the full value of this equipment eventually, or only for part of it, or when. That will presumably depend on the final settlement made between the British and American Governments on the general question of payment for Lease/Lend goods. But in the meantime the obvious and prudent course is to assume that we shall have to pay the full cost, and to lay by, for that purpose, as much as can be spared from the Railway's annual surpluses. This also is a second instalment; the Council voted £150,000 for the same purpose last year.

The last part of the resolution seeks to appropriate the whole of the balance of the Railway's estimated surplus for other essential capital works. I don't think, Sir, it requires further explanation.

Sir, I beg to move.

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

I beg to second.

Resolution adopted

The Hon. the Financial Secretary :

Your Excellency, I beg to move the third resolution standing in my name on the Agenda, namely :---

The Stamp Duties (Amendment to Schedule) Order, 1945.

The object of this Order is to exempt the British Red Cross Society from stamp duty in respect of the receipts which it issues for donations or subscriptions. The great and world-wide value of the work of this Society is sufficiently well known to require no commendation from me, and I do not think, Sir, that any Honourable Member will object to our exempting the British Red Cross from stamp duties. In any case the amount of revenue involved is very small indeed.

Sir, I beg to move.

The Hon. the Acting Chief Secretary to the Government ;

I beg to second. Resolution adopted.

Nigeria Legislative

BILLS

(First Readings)

THE NIGER LANDS TRANSFER (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Niger Lands Transfer Ordinance."

Towards the end of the last century, when the Royal Niger Company was operating in Nigeria and to a great extent administering that territory, for some reason of which I personally am unaware they entered into a large number of agreements with certain riparian owners along the lower Niger. Whether these agreements were necessary to establish title to any land I do not know because it appears as though the treaty rights which they had with the various chiefs already gave them all the powers and interest conveyed in these particular agreements. But the fact remains, Sir, that these agreements were made. When the Charter of the Company was revoked in 1900 and the territory then came under the direct administration of His Majesty's Government, the interests in these various agreements were transferred to the Crown, save and except certain parts which were reserved for the use of the Company, which by that time of course had changed its name, the Charter having been revoked. The Company reserved to itself certain small areas within some of these larger areas. They also reserved to themselves certain rights or easement, rights of way, means of approach and the like in connection with the access to these particular areas, and all the remaining interest that they had under these agreements was transferred to the Crown. These agreements, Sir, were the subject of different proclamations and ordinances, and finally culminated in the Niger Lands Transfer Ordinance of 1916. I mention that, Sir, because it is a mistaken idea that that was the first statute in connection with this subject under the Statute Laws of this country. Well, Sir, in the course of time the Crown-and by the Crown I mean, in more simple parlance, the Government of this country-have, in certain cases, exercised their rights to some of this territory; in other cases they have exercised no rights whatsoever, and as it happens, in certain cases the Government has no wish to exercise any rights at all. The question of the divorcing of the Crown from these rights has been under consideration for years, and it was thought at one time that the Crown would simply slide out of its interests in them by leaving the people living there to go on in ignorance that they might not have a proper title over it, or by some other method allowing them to use it in every respect as if it were their own, save where the Crown wish to exercise rights in those areas. Well, Sir, that worked very well until a dispute arises among the people on the spot and they go to court over it because the moment the Court is aware that the land in question is within one of the agreements in the Niger Lands Transfer Ordinance schedules, the particular schedules in which the main interest is specified, the Court stays the action because the land appears to be Crown land, and there we reach a deadlock and the Crown has no means of divorcing itself from certain rights it does not wish to use,

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Well, Sir, after considerable thought, it has been decided that the proposals in this amending Bill are those most likely to achieve a satisfactory solution to this problem, and it very roughly means that where the Crown in advance has made up its mind that it has no wish to exercise any of its rights in a particular agreement, that you, Sir, by an Order can state that you will not be, or rather the Crown will not be, able to exercise any rights whatever in that area. When I speak of rights and the exercise of rights, I am referring to rights conveyed under the agreements; I am not referring to any other rights the Crown may have or anything of that sort. You can do that, Sir, or, on the other hand, when a case goes to Court and the Court is aware that the land in question is covered by one of the agreements, then the Crown must be notified, and that notification goes to the Attorney-General. When the Attorney-General has been notified of the particulars of the case before the Court, in effect he is asked "What does the Crown wish to do." At that stage the matter, if not already considered, will be considered and a definite decision given. If, Sir, you decide that the Crown does not intend to exercise any rights, a statement to that effect will be sent back to the Court. The Court will have that on record and will proceed with the case. If, on the other hand, the Crown intends to exercise rights in this particular case, the Court is so notified, the Attorney-General is joined as a party and the action proceeds in the normal way.

I think, Sir, that with that explanation Honourable Members will agree that we have at last got an opportunity of getting rid of this particular problem. But we must be careful to say what is the effect of the Crown's action in abandoning interest for we may be abandoning interest under an agreement in respect of which, in the transfer to the Crown, rights were reserved to the Company, and as we cannot speak for the Company, we can only speak for ourselves, it is provided in the Bill that the abandoning by the Crown of any interest will in no way influence the Company's title. I think it is obvious that that should be so. They will remain as before, but subject to that the effect of the abandoning will be just as though the original document, so far as the title is vested in the Crown, will be considered as if it had never been made. In other words, we have gone right back and tried to place everything exactly as it was before the agreement was made—at least so far as the Crown is concerned. The detailed procedure will be subject to rules of Court. I need not go into them here.

I should just mention, Sir, at this stage that there are two typographical errors in the printing of the Bill, and I will get it remedied.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General :

I beg to second. Bill read a first time.

THE LEGAL PRACTITIONERS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

I rise, Sir, to move the first reading of the second Bill in the Order of the Day :--

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"An Ordinance to amend the Legal Practitioners Ordinance, 1933."

The Legal Practitioners Ordinance, 1933, is an Ordinance which provides a disciplinary body in respect of Legal Practitioners. The Ordinance also provides the machinery by which the Supreme Court consisting of three Judges—I do not mean the Judges of the West African Court of Appeal three Judges of the Supreme Court can strike a member of the Bar off the roll of the Supreme Court, or suspend a member of the Bar from the practice of his profession. The Ordinance as it is, Sir, is silent as to any means by which a person who has been struck off the roll can be re-admitted, or where one who has been suspended may have the period of his suspension shortened. The provisions of the Bill are designed to enable this to be done, but I want to mention at this stage that there is at present an amendment under consideration in regard to this Bill which will have the effect of restricting approach to the Court in connection with this matter.

I think Honourable Members will agree that where the Court consists of three Judges if there is no restriction whatsoever on the means of approach to that body the parties concerned may simply come back time and time again whenever they find that the three Judges have been changed. The Ordinance allows this particular disciplinary measure to be attacked in that way, so that some safeguard is required in connection with the method or time of approach to the Court before the expiry date is due. I will refer to that later.

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

The Hon. G. L. Howe, Solicitor-General :

Your Excellency, I beg to second.

Bill read a first time.

THE 1943-44 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending 31st day of March, one thousand nine hundred and forty-four."

This, Sir, is the ordinary annual Supplementary Appropriation Bill and requires no explanation. The whole of the excess expenditure which this Bill seeks to legalise has already been approved by this Council.

Sir, I beg to move.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a first time.

THE 1945-46 APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to appropriate the sum of sixteen million, thirty thousand, four hundred and fifty pounds to the service of the year ending on the 31st day of March, 1946."

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I shall have much less to say, Sir, than usual about this Budget for 1945-46. for more reasons than one. In the first place, the policy on which it has been framed is in all essentials the same as the policy on which the current year's Budget was framed, and I explained that policy at some length at the last session of this Council. Secondly, the history of the past and the present financial years, which I would otherwise have had to recount as events leading up to this Budget, has been very clearly set out in Your Excellency's printed Address, which Honourable Members will already have studied, and that Address also includes a forecast of Nigeria's future financial history. Thirdly, the most important feature of this Budget, the new Head, Colonial Development and Welfare Schemes, which provides for the first instalment of a great programme of development, is one that I need not deal with at all, because it will be fully explained by the Development Secretary, who is so largely responsible for it. In fact, Sir, all things considered, this will probably be one of the shortest Budget speeches on record, but, having regard to the length of the Agenda before us, perhaps that is not altogether a bad thing.

In dealing with this Budget for the coming year it will perhaps be most convenient if I take first the background against which it has been framed, then deal very briefly with the policy on which it is based, and finally draw the Honourable Members' attention to a few of the main features of the Estimates themselves.

By the background I mean Nigeria's reserves. It is stated in Your Excellency's Address that on the opening day of the year for which we are budgetting, the 1st of April next, those reserves will stand at about six and a half million pounds. That figure includes not only reserves formally constituted as such, but all the cash and investments at the Government's disposal that could be used to meet excesses of annual expenditure over annual revenue. If those reserves stand at six and a half million pounds, it follows that it would take an unbroken succession of annual deficits totalling six and a half million pounds to bring Nigeria to the point of insolvency. Well, Sir, that is a matter of some importance, since Your Excellency has forecast in your Address that after the coming financial year Nigeria will almost certainly have to face a succession of annual deficits owing to the great increase in expenditure which our development programme will bring. A succession of annual deficits can only be met from reserves, and if I explain exactly how our reserves would be used in such an emergency, I think it will perhaps give Honourable Members a clearer picture of our financial strength than any other explanation.

Well, Sir, to meet such a succession of deficits, in the first place Government would fall back on its surplus cash. If the time came when we had no more cash to spare, and the succession of deficits continues, we should next fall back on our Invested Surplus Funds, which at present total a little over two million pounds. When these were used up we should have to fall back on the General Reserve Fund, which has just been raised to one and a half million pounds by the resolution passed this morning. And when *all* these had been exhausted, if the deficits continue, the question would arise whether we could then use the Supplementary Sinking Fund as our last line of defence against these deficits. That Fund, which totals over two million pounds, was of course created for an entirely different purpose, namely to supplement the statutory sinking funds when the time comes to pay off the public debt; but I believe it *could* be used to fill the gap between revenue and expenditure if the need became really urgent.

If we finally used up *all* these reserves, surplus cash, Reserve Fund and Supplementary Sinking Fund, and the succession of deficits still continued, then I don't quite know what would happen next, and I don't propose to inquire, because I hope that that situation will never arise.

Well, Sir, against that background of reserves, that six and a half million pounds which we hold, so to speak, in the Bank against emergencies, we have introduced a Budget with a revenue estimate and an expenditure estimate both just over eleven million pounds, *plus* a further approximately three quarters of a million pounds in expenditure for the new development schemes under Head 47, balanced by a corresponding sum shown as receipts from the Imperial Government under the revenue estimates.

These bring the total revenue and expenditure estimates to the neighbourhood of eleven and three quarter million pounds, but for present purposes I propose to disregard these self-balancing items in order to compare our revenue and expenditure at eleven million pounds with the estimates of the pre-war years.

Well, Sir, as to that, Honourable Members may have noticed that our expenditure has risen, since the war broke out, from six and a half to seven million pounds, then eight million pounds, then nine and a half million pounds in the current financial year, and now to eleven million pounds. That is a very remarkable rise in expenditure, and we have been very fortunate in that the rise in our revenue has so far more than kept pace with it. So that, in spite of this enormous increase we have been able to increase our reserves by some two to three million pounds since the outbreak of war. But all that relates to past revenue, and has no bearing on the question whether future revenue will be sufficient to balance our expenditure. When I introduced the Budget for the current year I suggested that our expenditure, at nine and a half million pounds as it was then, had risen to a height which by pre-war standards would have been regarded as beyond the danger level, in the sense that it might well have risen far above the probable average annual revenue for the next period of years. It was to guard against that kind of danger that the pre-war policy of almost all the Colonies was to hold down their recurrent expenditure deliberately to what seemed an absolutely safe level, even though that might mean curtailment of their services to the public. It was, in fact, a policy of safety first.

But those days are past now, Sir, and we no longer play for safety, nor will Honourable Members wish to do so if they accept our policy. We propose to allow our recurrent expenditure to rise to whatever height may be necessary to enable us to carry out to the full the programme of development which we have undertaken, and which we intend to complete, in the hope that before this process exhausts our reserves the new revenue which we hope to derive from development will have arrived to balance our enormously increased expenditure. That, put as briefly as possible, is the policy on which this Budget is based. We may be taking a risk, and it is for Honourable Members

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to consider whether that risk is worth taking. But if I may repeat what I said last year, unless that risk is taken we must abandon our development programme. So that essentially the choice before us lies between risk and stagnation; and I hope that Honourable Members will take the same view as the Government as to which of those alternatives we ought to accept.

So much for background and policy. Now as to the main features of the Budget itself, I have been speaking rather gloomily about forthcoming deficits, but happily we have not quite reached that stage yet. The Budget before Council, in spite of its great increase in expenditure, provides for a surplus Indeed, although that is the estimated surplus of some £,70,000. on paper, the true estimated surplus may be taken as about £300,000 greater than that. For although we have provided in the Estimates for the expenditure of some £900,000 on Public Works Extraordinary, we have done so with the knowledge that the Public Works Department cannot possibly carry out works costing more than £600,000 during the coming financial year, mainly owing to restrictions imposed by shortage of staff. If we provided for works costing only £600,000, the Public Works Department would not be able to complete even that programme. But if we provide £900,000 worth of works, the Department, by picking and choosing among those works in a manner calculated to employ its staff and materials to the best advantage from time to time, expects to be able to complete about two-thirds of that programme. As a result, we have this enormous increase of over £500,000 in the provision for Public Works Extraordinary, the largest individual increase in the Estimates.

Of the next two most significant increases those under Heads Education and Medical, Your Excellency has already given an explanation in your Address.

I had intended to give some account at this stage, of the other larger increases in expenditure under the departmental heads, but I think Sir in order to save the time of the Council at the outset of this very long Agenda I think I can leave those to be discussed in Select Committee.

That therefore, concludes what I have to say of this Budget. As I have already mentioned, the most important feature in it will be explained by the Development Secretary. In fact it might be said that this year the Budget speech has been split into two parts, one to be delivered by the Financial Secretary and the other by the Development Secretary. And that, Sir, is the end of the first part.

Sir, I beg to move.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

Your Excellency, I rise to second the motion of the Honourable the Financial Secretary and wish to make a few remarks on the Sessional paper concerning Development which was laid on the table this morning but was also circulated to Honourable Members a few days ago.

Honourable Members will realise that though development planning in Nigeria has been under consideration for several years, it is only in the last year that the Development Branch of the Secretariat was set up in such a way that overall planning could be undertaken with a view to estimating the cost of resultant development and the period over which it should take place. Since the beginning of the war there has been a good deal of talk in Nigeria of development and when the Provincial Development Committees were set up it was obvious that there was a great deal of enthusiasm for development work and in planning on a local and provincial basis. Consequently when it became necessary to produce an overall plan it was not at all difficult to go to Heads of Departments and ask them to produce a plan on a ten year basis, which they in turn were able to provide as the result of suggestions made by Provincial Committees, Chief Commissioners and men within their own provinces.

The policy adopted, therefore, was to begin with a series of departmental plans dealing with those departments which would have the biggest share in the work of the Government. This was done in order to get a rough estimate of what it would cost to proceed with the general plan based upon a series of departmental schemes and which in turn would ultimately be integrated into local plans on a provincial and regional basis.

That information was very rapidly forthcoming in many cases, but in other cases it has taken a great deal of time to prepare proposals. However, it was possible by September to get a rough approximation of what might be done over a normal ten year period. A delegation was chosen to go from here to the Secretary of State, where they met other Government officers, including you, Sir, at one stage of the proceedings, to get the advice of the Secretary of State and his scientific and technical advisers as to the magnitude and speed with which development might be planned and considered.

Generally speaking the proposals which are being worked out for development-and I must say they are still far from complete-might be broken down into three approximate classes viz : Physical Development, Welfare Development and Economic Development. The physical development, such as road communications of various sorts and the provision of water and electrical supplies, have not been difficult subjects to deal with right at the very beginning. For instance, a good road policy had been well worked out some years ago and accepted as a general policy for this country. It was not difficult to assess the approximate number of wells and water holes, small dams and so forth that would be necessary for giving proper water supplies to the rural population. Similarly, it was not difficult for the Director of Public Works, and those associated with him, to say what would be the approximate requirements for electrical development during the next ten years; and the same in the case of Urban water supplies. Consequently, when the delegation went to England they were already in a position to produce some fairly clear cut ideas as to what was required in the way of general physical development; so much so that the Secretary of State and his advisers endorsed those proposals and immediately provided a considerable amount of assistance in order that those schemes might be initiated.

Other details, Sir, are set out in Sessional Paper No. 6 of 1945, and cover such items as Road development, Rural Water Supplies, Urban Water Supplies, the extension of Tele-communications, Hydro-electric development, and two other matters—one a Building programme, and the other the Anti-Malarial measures for the treatment of land around Lagos.

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The Building programme, I may say, Sir, is in anticipation of a substantial expansion of all departments, including those which have not yet been referred to, and the Secretary of State agreed that this in the early stages at any rate, was a subject to which he was prepared to give help, in order that the Department of Public Works should be in a position to take their proper place in the queue for supplies of materials, equipment, and, above all, men. I will deal with these subjects in a little more detail at a later stage.

In addition to those particular subjects mentioned, Sir, discussions took place in London in connection with a number of other departmental activities-Medical, Education, Agriculture, Forestry and Veterinary. In the case of Medical, it was fortunate, Sir, that the Director of Medical Services was present, and we were therefore able to have some discussions on the lines on which Medical development might be assisted. So far, unfortunately, it has not been found possible to bring those proposals to a stage where they can be put forward as a clear cut and final scheme. Some preliminary assistance has been given for schemes within the major scheme during the coming year, by a small token grant from the Colonial Development and Welfare Vote. But the Director of Medical Services and the Director of Education are both in the same difficult position at the moment, in that their final proposals will hinge to a large extent upon the Report of the Elliott Commission. That Report is not yet available, and until those two officers are in a position to know the extent to which training in the higher levels of education is to be carried out within West Africa they are unable to give any final proposals as to the expansion of their departments and the facilities which their departments will provide to the public.

In connection with higher education, I should like to say at this stage, Sir, that the planning which is being done at the present moment all tends towards a wider Africanisation of the services in the future. There is a dearth at the present time of Africans who have the education and the qualifications, technical, scholastic or professional, to meet the requirements of this country in a broad expansion such as any Development programme will necessitate. In this connection it is of interest to note the remarks in Sessional Paper No. 6 of the Director of Medical Services where he states that—

"At no time has the present small Medical School at Yaba had its full quota of students on account of the lack of entrants with suitable qualifications, a state of affairs that must be remedied if the Medical needs of the country are to be satisfied."

Well, Sir, any Development programme is bound to bring with it a demand for a large number of local men trained in professional and technical work, and in the sciences, and if the local men do not offer themselves for higher education, so much will the Development programme be slowed down. It is hoped that by the financing of a large Development programme perhaps the local men will respond and offer themselves for suitable training. Unfortunately as these men are not available we have, for the time being, to continue with the importation of officers for the handling of development at the village level. The Secretary of State recognised that it was essential that there should be a temporary increase to the staff of the country if any big development programme was to be put across. He therefore agreed to the employment of and about the same number of unofficial Europeans. It is expected that in due course these numbers will be substantially increased, and in order to get the widest possible advice the Central Development Board will be using or asking for the help and advice of people thought to be the most suited to give advice on special subjects. The Central Development Board will in any case be merely a central filtering point for proposals from the provinces and will be the deciding point subject to the authority of the Governor as to the order of priorities in which various schemes will be applied.

That, Sir, is all I can say on the subject of planning as it has gone up to date. There is a great deal more work to be done this summer, and I hope it will not be so very long before we can come to this Council with a full statement of what it is proposed to do. In the meantime our greatest difficulty is to proceed with the work on account of shortage of staff. The existing staff, although seriously overworked, are throwing their backs into the work of development, and already since the 1st of January one of our new pilot roads has been started. It is hoped that those staff difficulties will ease up as time goes on, and we already have before the Secretary of State's Recruitment Branch a list of the more important men required, particularly in connection with the Engineering side of the work.

I may say that while I cannot give any definite statement as to what the ten-year plan, up to 1955-56, will cost (owing to the acute shortage of staff, I think it will probably take more like fourteen to fifteen years to complete), for that period it is estimated roughly that the plan will work out at something like sixty million pounds. As it is, taking it on the basis of the present time up to 1955-56 I think I can say it would amount to more than forty million pounds. This of course is a substantial amount, but if you divide it per head of population it is extremely small. Perhaps after what has been said by the Financial Secretary, Sir; it would appear that we are just running into millions as fast as we can. But the position as I see it, Sir, is that Nigeria has been so neglected since the days of the depression that if we do not take the money offered and gamble on it, Nigeria will not only stay still, but will go back. We shall have to take the attitude that by spending money on development the condition of the people will improve to such an extent that they will be able to help carry the burden of further plans which they will undoubtedly demand as time goes on. As far as possible, Sir, we are endeavouring, during the earlier years of the programme, to get as much money as we can from the Colonial Development and Welfare Fund in the expectation that in the later years things will have improved sufficiently in Nigeria for us to be able to carry a larger share of the burden ourselves. Naturally we cannot expect the Secretary of State to provide the whole of the forty odd million pounds needed but I am hopeful that when the new Colonial Development and Welfare Bill, which has not yet passed into law, has ultimately become law, we may be able to go back and ask for more help from the Secretary of State in connection with the wider work which will have to be done in connection with the Development Plan. But we shall have to face a lot ourselves, and I have no doubt that one of the better ways of dealing with some of this will be to make posterity pay its share of the cost by raising loans and carrying the cost in that way. Whether we shall be able to get assistance from the Secretary of State in the servicing of these loans remains to be seen,

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but judging from discussions in London it looks as if there is quite a possibility. At the same time we have a fairly strong position to look forward to. There are three loans, two of which are 5 per cent and one 6 per cent which will mature during the next four or five years and details of those will be found in the earlier part of the Estimates, *viz*:

41 m	illions w	ill mature i	n 1947
$6\frac{1}{2}$	>>	,,	1949
$4\frac{1}{2}$	>>	. >>	1950

While the Sinking Funds will not be enough to redeem these loans, the position may be sufficiently satisfactory in regard to our finance that the overall cost of loan charges of Nigeria should be materially reduced by 1950, and that reduction will be used in paying off discharges of loans which we will have to pay for development.

In the Estimates under Head 47 are shown those proposals which have already been worked out to within reasonable completion and have had sufficient support from the Secretary of State for him to give us some financial assistance. Those schemes as shown there will for the period up to 1951 receive, according to personal promises from the Secretary of State, a total of \pounds 6,946,000. That, I submit Sir, is a most generous initial contribution from the Imperial Government to our Development programme. I do not think it will be by any means the last, in fact we may find it only a small proportion of what is forthcoming. But I would like to say that it should not be regarded as a form of manna which falls from Heaven, and that all we have to do is to get, hat in hand, to the Secretary of State and say we want a few more millions. Money is not going to be forthcoming without some indication that this country is also doing its fair share.

For the current year the revised figure of expenditure will be about £835,170 from the Colonial Development and Welfare Fund. This includes some small modification of the Estimates as set out in the printed draft, plus a carry-over of some items in last year's Estimates, and which will mature this year. The subjects already dealt with in the Estimates are also described briefly in the Paper on the table this morning, but there are two additional items not really included in the general overall plan of Development but which have been the subject of assistance this year by the Secretary of State and have been included in this new Head. They are-assistance to the Zaria Literature Bureau, and the Leprosy Control Campaign which will take place in the Eastern and Western Provinces. These I may say are regarded as being special schemes outside the general plan but included in this special head. Now this Head, Sir, is a new one-Head 47-and has been created in order to give a general picture of the assistance coming from the Imperial Government. This Council will be asked to approve of a vote as set out on page 109 of the Estimates. The making up of that expenditure is shown as a series of appendices which may be subject to minor modifications during the year according to availability of staff and materials. A number of these details will be the subject of discussion in Select Committee.

In order to have a complementary head of the Estimates which will show the actual expenditure by Nigeria on what one would call special development, *i.e.* small routine developments, it has been decided to insert another new head—Head 46, which is called "Development" and which as it stands is not very flattering to the Development Programme. The intention however is to put before members in Select Committee the expenditure from local funds, which is complementary to Head 47, some of which will be complementary scheme for scheme in Head 47 and will represent Nigerian contribution. In other cases there will be new developments being paid for out of Nigerian funds. The only four items to go in this year are local contributions to the Leprosy Control scheme. Local contributions towards the Technical Education scheme a small amount for preliminary investigations into Development proposals, and a new item "Miscellaneous," with a subhead to cover the expansion of Fisheries, at present shown as Head 14 and considered to be more desirable as a sub-head to 46.

I would also draw the attention of Honourable Members to Head 10, which shows the Department of Commerce and Industry, and this no doubt will be the subject of discussion in Select Committee.

With those remarks I shall now sit down, but I would like to say that I hope a full development programme will be available before the end of this year and will be even more comprehensive than that laid on the table this morning, and that it will be possible to deal with it at a later session of this Council and I hope we will get the full support and approval of the Council. In the meantime the proposals before Council are included in Head 47 of the Estimates and I hope they are sufficiently non-controversial to be accepted as a first instalment towards the improvement of the country.

Sir, I beg to second.

Bill read a first time.

THE GOLDSMITHS (AMENDMENT) ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General :

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

"An Ordinance to amend the Goldsmiths Ordinance."

This is a simple little Bill of two clauses Sir, the first of which provides for a reduction in the renewal fee for a Goldsmiths licence, and the second of which provides for a system of licensing of persons who hawk articles manufactured of gold.

Both amendments, Sir, have not only the approval, but have been suggest-. ed by the Goldsmiths Union.

Sir, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a first time.

His Excellency :

As it is now nearly 12.30 p.m. Council will adjourn until 2.30. p.m. this afternoon, when I understand it is the wish of Honourable Members, most of whom wish to attend the funeral of Doctor Carr, that we should adjourn earlier this afternoon, so that if this is agreeable I propose to adjourn Council at 4 p.m.

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Council adjourned at 12.26 p.m. Council resumed at 2.30 p.m.

THE MINERALS ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General :

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

"An Ordinance to amend and consolidate the law relating to Mines and Minerals."

This Bill, Sir, as Honourable Members will see from the long title, is merely a consolidating amending Bill. The existing Minerals Ordinance was first brought into operation in 1916 and since then there have been seventeen amending Bills effecting in all 120 amendments to the Ordinance itself. In addition, Sir, working from practical experience has shown that other amendments have become necessary. In addition to the consolidating amending portion there is one principal change and that change relates to the restoration of land. In all other principles this Bill follows the existing Ordinance. It is unnecessary here to detail the technical amendments. Opportunity will arise later for members to question each point as it comes up' but in the consolidation matter which is now contained in the general Minerals regulations is in certain instances, incorporated in the Ordinances in which they properly belong, and some portions of the Ordinance have been expended to end Mining regulations. Clauses 9, 10, 37, 46 and 47 were formerly general Minerals regulations and now incorporated in this Bill. Clause 10 is new. It incorporates general Minerals Regulation 35 to provide for plans shown by prospectors. Similarly Honourable Members will find that throughout the entire Bill technical amendments of this description have been made.

Now the real change in this Bill is the provision of the restoration of land. It would be better I think if Honourable Members consider these new provisions for restoration by the mining industry as it affects Nigeria. Now there are three classes of persons affected by the mining industry; the first, naturally enough, the entire people of Nigeria, the second those persons who, as owners, have certain rights over land under which there are minerals, and the third the miner.

As regards the first class, the people of Nigeria, this Bill continues on the principle introduced in 1916, that is the principle that the minerals of Nigeria and the mineral wealth of Nigeria belongs to the Nigerian people as a whole, that is to say, it is regarded as a national wealth rather than individual or community wealth, and the people of Nigeria benefit by the fact that mineral wealth and royalties are paid into general revenue and are paid out for the benefit of Nigerians under the eyes of those Honourable gentlemen on Finance Committee. That is what one might almost call nationalisation of industry as against individual or small communities. To effect that purpose it was necessary to vest the minerals and the mineral wealth of Nigeria in a central body, and of course the body chosen was the Nigerian Government, and if Honourable Members will look at clause 3 (1) of the Bill in front of them they will see that by that clause minerals in Nigeria are vested in trust. Now that clause is a reproduction of the existing section 3 of the existing Minerals Ordinance, and I may say here in case of confusion that the Crown

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means the Government of Nigeria. Minerals legislation control of our minerals, mining and revenue are entirely domestic matters to be regulated inside Nigeria-by His Excellency in respect of the Northern Provinces, and by you gentlemen in this House in respect of the Southern Provinces. And those Honourable Members who have been members of Finance Committee for many years have seen revenue taken into account that has been derived from minerals and they will have joined in paying it out for the benefit of all Nigeria. It is clear that there has been some confusion about the use of the term "the Crown" in clause 3 (1). It is not an attempt and never was an attempt, to place the minerals in this country in anyone or anybody other than in the Government to the Nigerian people. There has been a lot of newspaper comment suggesting that "Crown" should be replaced by the words "the Government of Nigeria and its successors." Now that is an excellent amendment. It is more than that. It is an interpretation of existing law and what it has been for twenty years. The only redundant words are "and its successors." Well, as members of this house, you will always exist, and these words are not necessary. If Honourable Members feel, although they themselves know, or should know, that the Crown means the people of Nigeria, if they think there is confusion in the minds of others I personally have no objection to an amendment, to put in the words " Government of Nigeria " instead of " the Crown." This is not a matter of coercion. We are merely making the matter plain, and what Honourable Members should have realised, and possibly what Honourable Members might have made very clear to their constituents when they saw the confusion which had arisen when the Bill was published, was that the mineral wealth of Nigeria was properly vested in the Government of Nigeria for the purpose of control for the people.

The second class of people affected by a mining Bill are the owners or occupiers of land under which there are minerals. The existing Ordinance provides payment of rent for such people and for a series of compensations for the destruction of crops and other matters of that nature, and generally for dispossession. This second class of persons, owners or occupiers, also benefit inasmuch as they in turn benefit from the revenue derived from minerals rents.

Then the third class of person, the miner. Now the miner has the privilege of paying royalties, rents, etc and in return he has the privilege of winning minerals which are the property of the Nigerian people. He derives his profit normally in peacetime on an open competitive market, and the difference between his costs of production and his selling price comprise his profit for the trouble to which he has been put. That has been the system so far and that has been the balance between the three classes affected by the Minerals Ordinance. But it must be borne in mind that the occupier has a claim to some further compensation. It is true he gets compensation, it is true he gets a rent, and it is true eventually he gets his land back. But most of the land over which these leases exist, or a great percentage, is already worked out and the question then arises "Does he get his land back in as good a condition as before" and the answer to that question is no. Under the existing Ordinance nothing has been done to ensure that the farmer will get his land back in such a state as nearly as possible filled for the use to which

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he intends to put it, namely farming, and so this Bill includes provision for the restoration of land, and it is based on two principles-the first to get the land back to the farmer as quickly as possible, and the second is to get it into as good condition as possible. Now when we attempt to do this, it is found it is an impossibility to lay down hard and fast rules as to what the miner ought to do, for it is the miner, Honourable Members, who will have to pay for this restoration of land. Every type of mining, every mining area, will have to be restored for farming purposes. Some land it will be almost impossible to restore at all, where the surface of the soil has been washed out and disappeared. In some instances in mines I have heard that restoration is practically completed by the mining operation itself, and I am informed in some cases farmers are back two years after the cessation of mining and are farming. In other instances there is no doubt that restoration of the land is going to be an expensive item and it cannot be done by laying down general principles. The only possible way of doing it is by provision of a law which allows conditions for restoration to be effected in respect of the conditions in each lease, and not only that, but related to each particular type of mining. If Honourable Members will turn to clause 33 (1) they will see how we propose to do it. Paragraphs (a), (b) and (c) describe where the mining lease may be granted, and then it goes on "and he may in any case make such grant subject to such covenants and conditions as he may think fit and in particular may require the reasonable restoration of any area used for mining operations by the replacement of the surface soil, the filling in of worked areas, the removal of any tailing or other dumps or heaps caused by mining operations and such other methods as may reasonably be required and any such covenants and conditions may be general or in respect of any particular mining operation or method of mining." That, Honourable Members, is considered the only feasible way to tackle this problem, an individual lease related to individual types of mining and machinery used, and that will be done by covenants on expert advice. Now that is, or will be, the system with regard to the Leases granted under this Bill, and to control existing leases under which no restoration work of any kind has been carried out, and if Honourable Members will look at sub-clause (2), section 33, they will see that " the Governor, in his discretion, may by order require the holder or grantee of any mining right or mining lease given or granted under the provisions of any repealed Ordinance, enactment or Proclamation reasonably to restore any area in respect of mining operations being or to be carried out on or after the date on which this Ordinance comes into operation and any such order may contain all or any of the provisions of the covenants and conditions which may so be imposed under the provisions of sub-section (2) and, upon due service of such order, the provisions thereof shall be deemed to be covenants and conditions of the lease or grant concerned." That is to say, in respect of existing Leases Government is given power by this clause to acquire land in respect of the future to take such steps as the Governor may consider necessary, arising out of that restoration.

Another change has come into this Bill, and that is clause 26. Under existing law an application for a Mining lease has to be accompanied by a plan. There is then, due to shortage of surveyors, a time lag before his area can be surveyed and the lease issued. That time lag has amounted on an

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average to between twelve and eighteen months, and during that period it has been the practice, upon certain conditions being fulfilled, to allow the application to mine under a right called a prior permission to mine but when he does get his lease it is retrospective. Well, Honourable Members will see that that would not do where restoration of land is contemplated because there are no covenants in prior permission to mine, no burden laid on the miner until he gets his lease. And so clause 26 substitutes for the prior permission to mine a document which will enable him to carry on mining pending the issue under his main lease for two weeks grant. The same conditions as would be in fact in the Lease he will eventually get. That is really the only other main change in the principle of the old existing law, except for clause 36(3). This clause aims at getting back farming land as quickly as possible to the farmer. It runs "The Governor in his discretion may direct a lessee who has applied for the renewal of a lease under the provisions of sub-section (2) to surrender any part of the area covered by such lease which has been worked out or is no longer reasonably required for mining operations." The intention of that is if a mining lease is being renewed those bits that are no longer of any use to the miner have to be surrendered. But I would draw the attention of Honourable Members to the words "no longer reasonably required for mining operations." It sometimes happens that the piece of land is required for mining purposes, although mining need not be carried on on that particular piece of land. Under the proposed system the revenue of the Nigerian people is maintained. The second class of persons, the soil occupiers, are going to benefit by the restoration of land and better conditions than before, and the person who is going to pay for that is the miner. Now it would be idle for me to remind Members of this Council that provisions such as this must be administered with due care and precaution. The miner is entitled to his profit, the revenue of Nigeria is entitled to its share, and if conditions are imposed which make it too onerous for a mining company to carry on, then we have betrayed our own purpose. Now mining, I would point out, required tremendous capital. The day of the small individual tin miner is over or rapidly drawing to a close. The ore content is getting less. More and more work is needed to turn out economic tin, more and more machinery is required, and mining machinery is expensive. A dredge landed here now may cost £300,000 or over. May I emphasise these words, Sir, an assurance that these provisions are not going to be applied harshly and without thought. They will not be, they will be applied reasonably, with foresight, with full appreciation of the difficulties of the mining industry and upon the best available techincal advice. And I feel, gentlemen, that by these means the revenue of the Nigerian people will be maintained, the surface occupier will have what he should have had many years ago, restoration of land, and the miner will still be able to compete in the open market. Those are the main provisions.

Your Excellency, I beg to move.

The Hon. B. E. Frayling (Chief Inspector of Mines) :

I beg to second.

Bill read a first time.

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THE NATIVE LIQUOR (TOWNSHIPS AND CERTAIN AREAS) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces :

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

"An Ordinance to prohibit or regulate the Manufacture and Sale of Native Liquor in Townships and Certain Areas."

The legislation covering the manufacture and sale of native liquor is at present covered by chapters 75 and 76 of the Laws of Nigeria. It is proposed to substitute for these two chapters another Bill, which we have before us now, and also an amending Bill to the Native Authority Ordinance.

To deal first of all with the amendment to the Native Authority Ordinance; the object of this is to give to the Native Authorities full powers to deal with all matters from manufacture to the consumption of native liquor within their areas ; to give them the necessary powers to enforce them. Excluded from them may be certain areas, to which I will refer later. The Liquor Bill which is now before us applies to all townships and to such areas outside townships as are excluded from the operation of the amendment to the Native Authority Ordinance. The Governor in Council may make regulations which cover the whole operation from manufacture to consumption. I am under the impression that there is some misunderstanding as regards the operation of this ordinance and of the amendment to the Native Courts Ordinance. The idea seems to be abroad that these two Ordinances will bring hardship to traders, encourage the black market, and may lead to a sinister monopoly. In point of fact this legislation does not increase in any way the powers which already exist; it merely gives powers to those who are in the best position to deal with these questions of production and consumption of liquor. It gives powers to make the necessary regulations in the case of townships, and rules in the case of Native Authorities. There is no intention whatever on the part of Government to introduce here some hidden pussyfoot legislation, nor is it in any way intended to deprive the working man of his beer. It is simply, as I have already stated, that the right people should have control of the question of manufacture and general regulation of native liquor consumption. The small areas which would not come under the jurisdiction of Native Authorities in this matter would probably be areas on mining fields and areas close to Railway Stations and the like. But I do hope that Honourable Members will disillusion themselves of any idea that we are trying to make things more difficult in regard to reasonable consumption of liquor.

Sir, I beg to move.

The Hon. the Senior Resident, Plateau Province :

I beg to second. Bill read a first time.

THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces : Your Excellency, I rise to move the first reading of a Bill entitled ;

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THE DESTRUCTION OF MOSQUITOES ORDINANCE, 1945

The Hon. the Director of Medical Services :

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

"An Ordinance to provide for the Destruction of Mosquitoes."

Honourable Members are aware that one of the precautionary health measures necessary during and after this war is that strenuous efforts should be made for the destruction of mosquitoes which cause so much illness.

In Nigeria, the control of mosquito breeding in swamps by major schemes of drainage has had considerable impetus as the result of the war. Much of the work done in many areas was an urgent necessity for the protection of troops, air personnel at aerodromes and Navy and Merchant Service personnel in harbours. In Lagos, this necessity created the fortunate opportunity of demonstrating those proposals and plans prepared for swamp drainage and reclamation for the protection of the civil population some years ago were practical and possible. The schemes carried out in co-operation with the services represent a considerable capital investment and it is necessary that there should be legislation to ensure the maintenance of these drainage works and secure permanent results both in the matter of improved health and reclamation of waste marsh land. Absence of powers to require the proper maintenance of these works is a potential danger and the absence of legal sanctions to enable the carrying out of drainage schemes in private as well as public lands a handicap to further progress. The Bill therefore gives these necessary powers to the Director of Medical Services. It also places on the occupier or owner of lands and premises the responsibility to take such measures as may be considered necessary by the sanitary authority to prevent the breeding of mosquitoes.

Part III of the Ordinance provides powers for the declaration of an area to be an area in respect of which a drainage scheme has been approved. Owners of land may lodge objections to the inclusion of their properties in the scheme after consideration of which the scheme may be put into effect. The cost of the scheme will be shared amongst the owners. Where the cost of any measures is considered to be an excessive burden provision exister another part of the ordinance for assistance to be given. Provision is made for the maintenance of such scheme to be shared by the owners either by doing the work themselves or by contributing an annual sum to Government towards the cost of maintenance. Honourable Members will understand that an anti-malarial scheme not only facilitates the control of mosquitoes but results in substantial improvement of waste and useless lands. It is only right therefore that the owners who will benefit financially by the appreciation of the capital value of the land should bear the greater part of the cost of such improvements.

Your Excellency, I beg to move.

The Hon. G. L. Howe, Solicitor-General :

Your Excellency, I beg to second. Bill read a first time,

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The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1945

The Hon. the Director of Education :

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

"An Ordinance to amend the Education (Colony and Southern Provinces) Ordinance, 1926."

Under the existing law, Sir, appeals against the closure of schools, the removal of names from the register of teachers and kindred matters must be heard by a committee of the Board under the chairmanship of the Director of Education. This procedure, Sir, has been found extremely cumbrous in operation in that a personal duty is laid upon the Director in these matters which may not be delegated. It is the object of the Bill to remove this anomaly.

Sir, I beg to move.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

I beg to second.

Bill read a first time.

THE CINEMATOGRAPH (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Education :

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

"An Ordinance to amend the Cinematograph Ordinance, 1939."

The amendment proposed in this Bill, Sir, is neither drastic nor far-reaching.

When the main Ordinance was enacted the duties of the Board of Censors were confined, for the most part, to passing judgment on the vagaries of Hollywood. Since then, various Governments or departments of Governments within the British Empire have entered the lists as producers or issuers of films and posters and it is thought unnecessary to burden the Board with the duty of censoring such unexceptionable material.

Sir, I beg to move.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

I beg to second.

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Bill read a first time.

THE NATIVE LANDS ACQUISITION (AMENDMENT) ORDINANCE, 1945

The Honourable the Senior Resident, Plateau Province :

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

"An Ordinance to amend the Native Lands Acquisition Ordinance."

I have nothing to add to the Objects and Reasons. The object of this amending Bill is merely to bring the Co-operative Societies composed solely of natives of Nigeria within the scope of the Ordinance.

Your Excellency, I beg to move.

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The Honourable the Senior Resident, Bornu Province :

Your Excellency, I beg to second the motion. Bill read a first time, 63

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1945

The Honourable the Director of Marine :

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

"An Ordinance to amend the Shipping and Navigation Ordinance."

The Objects and Reasons of this Bill are fully explained at the foot of the Bill, and I have nothing further to add. I therefore beg to move that it be read a first time.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

Your Excellency, I beg to second the motion.

Bill read a first time.

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THE IMMIGRATION ORDINANCE, 1945 (also p. 432)
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The Hon. the Attorney-General :

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

"An Ordinance relating to Immigration."

Sir, the legislation of this country relating to immigration appeared before this Council at different times until 1939 when an Ordinance was enacted which, while it had, as it showed afterwards, certain defects, was satisfactory reasonably satisfactory—for the purpose for which it existed, when it came into force on the 1st August, 1939. Much that has happened since then reacts with tremendous force upon the control of immigration in different parts of the world.

So far as we here are concerned, Sir, I think the greatest stride has been in the tremendous advance in air travel. People are really travelling by air and where a hundred people now appear there came only one or two before. The Ordinance of 1939 is inadequate to deal with this advance in air travel and the meeting of that situation is one of the matters to which we now have to attend.

Likewise, other matters that have come under the careful eagle eye of the Immigration Authorities during this war show that there are situations which were not fully realised before the war and we have to provide for these as soon as possible.

Then there was an agreement—not a formal agreement—between the Gold Coast Government and ourselves to try to check the traffic in women and children between Nigeria and the Gold Coast. In this respect, Sir, I ought, in fairness to say that Nigeria was the exporting country. The necessary amendments have already been made, some time ago to the Criminal Code, tightening up the different clauses restricting the movement of people of unpleasant character to and from the two countries. It is also necessary

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to deal with the immigration side of the matter and that the Gold Coast should have their own immigration legislation, which would enable them to prohibit these people arriving there and we having similar legislation here.

Another point which has arisen is the amount of deposit, namely, $\pounds 60$ at present required to be made by an immigrant when he comes into this country to ensure his return to his own country. This has generally proved in practice under existing conditions to be inadequate.

It is essential for us extensively to our Immigration Ordinance though not so much in principle as in detail. The necessary Bill was drafted in Nigeria and considered by other West African Governments during the last eighteen months or two years. The final draft was prepared here and it has been accepted, I understand, throughout West Africa. Obviously this is a matter in which we should work hand in hand. I mention this, Sir, at this time, in order to explain why we were unable to deal with this matter at the same time as the amendments of the Criminal Code. As will be seen from the date of the Objects and Reasons this final draft was prepared and has been under consideration since as far back as the 5th of February last year.

The position, therefore, is that this our new legislation will enable us to implement our promise to the Gold Coast Government and make it simpler for the control of the movements of individuals travelling to the different parts of West Africa and passing through Nigeria on business or coming here on a visit, in which last mentioned cases they will be supplied with the appropriate transit and visiting passes. It will also provide in general better control over those who arrive by sea in ships, by inland water ways, by crossing the land frontiers or by air. The conditions as regards shipping were reasonably satisfactory before.

The Bill, Sir, provides a further great advantage over the existing law in that it recognises co-operation between British Passport Control Officers in different countries and thereby information about undesirable individuals can be passed on from country to country where the individual in question may be for the time being.

I have said enough to give Honourable Members an indication of the principles of this Bill. I have mentioned that it was designed for consideration by other Governments and if Honourable Members will turn to the Objects and Reasons they will find in paragraph 2 in detail the reasons why and how the clauses have been rearranged and the differences between the existing law and the Bill now before the Council.

As full details of the Bill appear in the Objects and Reasons to which I have invited attention I consider it will be a waste of time for me to say anything further at this stage.

Your Excellency, I beg to move.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

Your Excellency, I beg to second the motion.

Bill read a first time.

THE PATENTS, REGISTERED DESIGNS, COPYRIGHT AND TRADE MARKS (EMERGENCY) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to make special provision with respect to Patents, Registered Designs, Copyright and Trade Marks, as is expedient to meet any emergency which may arise as a result of war."

This Bill, Sir, is designed to enable use to be made of any patents and also to authorise the use of the restricted means of describing matters which may be governed by trade marks belonging to enemies or enemy subjects.

I think Honourable Members will appreciate that it is impossible when war is declared for one to get in contact with enemy subjects for permission to use their particular patents, etc. It follows almost automatically that these patents, registered designs, copyright and trade marks are purloined and used by enemies during a war. This Bill is to legalise such a practice.

This principle is nothing new: as a matter of fact, this law ought to have been recorded in our Statute Books four years ago. It is based on Imperial legislation which has been in force in general throughout the Empire and has been in existence in the Gold Coast, for I think, about three years. As will be seen from the marginal annotations it is based on an Imperial Act.

Your Excellency, I beg to move.

The Hon. the Senior Resident, Bornu Province :

Your Excellency, I beg to second the motion.

Bill read a first time.

THE PUBLIC LANDS ACQUISITION (AMENDMENT) ORDINANCE, 1945.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

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

"An Ordinance to amend the Public Lands Acquisition Ordinance."

The principal reasons for this Bill are to make provision for the acquiring of land for rural development and settlement and for paying suitable or adequate compensation for the extinguishing of rights of hunting or collection of produce on unoccupied lands. It also provides for compensation in places where the lands have been in partial use during the seven years before acquisition, or in special cases, when the land has been in use in the last six months.

The Bill also provides for any land acquired under the Ordinance, and is no longer required for that purpose, to become Crown Land.

The remainder of the Bill is merely an extension of the original section providing for compensation.

Your Excellency, I beg to move.

The Hon. the Attorney-General :

Your Excellency, I beg to second the motion. Bill read a first time.

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THE CROWN LANDS (AMENDMENT) ORDINANCE, 1945

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

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

" An Ordinance to amend the Crown Lands Ordinance."

This is just a short amending Ordinance supplementary to the Bill previously read, and needs no explanation.

Sir, I beg to move.

The Hon. the Attorney-General :

I beg to second.

Bill read a first time.

The Hon. the Financial Secretary :

I have two Bills here, Sir, both relating to temporary increases of pensions, and it would be more convenient if, with the the permission of Council, I could take them in the reverse order from that on the Agenda.

THE TEMPORARY INCREASE OF PENSIONS (EUROPEAN OFFICERS, WIDOWS AND ORPHANS) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to provide for the Temporary Increase of Certain Pensions granted under the Provisions of the European Officers' Pensions Ordinance or payable under the Provisions of the Widows' and Orphans' Ordinance."

This Government, Sir, along with other Colonial Governments, has been forced by circumstances to agree to pay bonus or "COLA" to pensioners in the United Kingdom, because the United Kingdom Government is paying bonus to *its* pensioners, and it has been represented to us that to have two groups of pensioners in the same country, one receiving bonus and the other not, would obviously cause dissatisfaction. It has also been represented that dissatisfaction would be caused if the rates and conditions of the bonus differed between the two groups ; and this Bill therefore provides for the payment of bonus to Nigerian Government pensioners in the United Kingdom at the same rates and on the same conditions as the bonus paid to pensioners of the Imperial Government in the United Kingdom.

I need not describe these rates and conditions in detail, since they are clearly set out in the Bill and its schedule. I shall merely draw special attention to one fact. This bonus is not payable to *all* pensioners in the United Kingdom by any means: the Bill severely restricts its application. In the first place no pensioner with a pension of over £300 a year can receive any bonus, nor can any pensioner who has not attained the age of sixty years, unless he has been invalided from the service, or has since become incapacitated, or is a woman with at least one dependant. In the case of Widows and Orphans pensions, the corresponding restrictions are that the pensioner must have attained the age of forty years, or has not yet attained the age of sixteen years, or must have at least one dependant, or be disabled.

Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE TEMPORARY INCREASE OF PENSIONS (NON-EUROPEAN OFFICERS) Ordinance, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to provide for the Temporary Increase of Certain Pensions."

This Bill provides for the payment of bonus to non-European pensioners, or, as it has been commonly called—and agitated for—COLA for African pensioners. The rates and conditions of the bonus are those accorded to African serving officers, and the payment of bonus is restricted to those whose pensions do not exceed £220 per annum.

I think, Sir, one of our local newspapers has pointed out that the rates of COLA provided in the Bill for African pensioners are less favourable than those provided for European officers, and has hailed this distinction as an example of racial discrimination. Well, Sir, allegations of racial discrimination are not uncommon in our local newspapers, and I daresay they serve the very useful purpose of increasing their circulation. But there is no racial discrimination here. The difference between the rates and conditions is quite unavoidable, for in the United Kingdom, as I have already explained, the Colonies must give their pensioners the same rates and conditions of bonus as those applied to pensioners of the Imperial Government, since otherwise they would be acutely and quite justifiably aggrieved. But in Nigeria we have no other group of pensioners to compare with our African pensioners. The inevitable comparison here is between African pensioners and African serving officers who are already drawing COLA. It would obviously be impracticable to pay bonus to African pensioners at rates higher than the COLA paid to African serving officers, or on better conditions; for it is easy to imagine what indignation that would cause among African serving officers. The plain fact, therefore, whether we like it or not, is that we cannot pay European pensioners less, or African pensioners more, than these Bills provide. But in any case, the conditions for the payment of bonus to African pensioners are by no means less favourable, in all respects, than those provided for European pensioners. An African pensioner need not be over sixty years of age in order to receive this bonus ; nor need he have been invalided from the service, or incapacitated, nor need he have dependants. Any African pensioner can receive this bonus, provided only that his pension does not exceed £220 per annum. In that respect this Bill is considerably more generous than the corresponding Bill relating to European pensioners, with which I have just dealt.

Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

I beg to second. Bill read a first time.

THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General :

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

"An Ordinance to make provision against Third Party Risks arising out of the use of Motor Vehicles."

This Bill, Sir, is an innovation in Nigeria. I think Honourable Members will agree the time is ripe, if not over-ripe, that provision should be made whereby every person who drives a motor vehicle along a road should have a fund behind him out of which compensation may be paid to people to whom he may bring injury or damage when he is simply liable for causing that injury or that damage. It is a principle accepted in the United Kingdom and most other countries.

Now, Honourable Members, I do not propose to take you in detail through the Bill. The main principles are that anybody driving a car, except those persons exempted by the Bill will have to be covered against claims for injury or for damage in one of three ways. They will either have to have a valid insurance policy or they will have to be secured by securities or bonds approved by Government, or they will have to have deposited with the Accountant-General a sum of money out of which these civil claims may be met. When these have been done, the driver of each vehicle and car will have a certificate to that effect. Although I tried, I have been unable to get figures of motor accidents in Nigeria. I did get particulars of road accidents in which motor vehicles were concerned in Lagos township throughout last year, those particulars of such accidents as the Police were able to have reported, and they amounted to well over 400. Those were in Lagos township only. I have no figures to give Honourable Members as to the amount of property damaged or the amount of damage claimed for Nigeria.

Once we accept the principle, as I think we must do that, but the time should be past when a person injured by a careless motor driver brings a suit, wins it, and is unable to recover damages. When that principle is recognised I think Honourable Members must accept this Bill.

There are provisions in the Bill which are entirely legal, *i.e.* provisions prescribing certain conditions which may not be imposed by Insurance Companies which might render the person insured not liable under the policy. There are certain settlements outside the Courts which are rendered void under this Bill. Sections are inserted dealing with rights of third parties.

It will not be possible to introduce this Bill at once. There will be a time lag, and a necessarily long one. The public will have to get used to the idea that they will have to insure, and Government will not bring in the Bill until it is satisfied that adequate insurances are available.

There are three suggested amendments to this Bill, Sir, pointed out to me by the Honourable Commercial Member for Lagos, with which I will deal later.

Sir, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second. Bill read a first time.

THE ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT) (AMENDMENT) ORDINANCE, 1945

(TIMENDMENT) ORDINANCE, 19

The Hon. G. L. Howe, Solicitor-General :

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

"An Ordinance to amend the Royal West African Frontier Force (Nigeria Regiment) Ordinance."

This is a Bill to place in statute from provisions of law which already exist under the Defence Regulations. Under section 101 of the Royal West African Frontier Force Nigeria Regiment Ordinance, when the regiment or any part of it is on active service and is under the control of the Army Council the provisions of the Army Act relate to discipline and other matters. But the Ordinance goes on to say that the Army Act only so applies where the Ordinance itself is silent. Well, as everybody knows, our soldiers are now in Burma and India, and there is no need for me to comment on their exploits there. But difficulties have arisen in the administration of the Ordinance, because where part of the Nigeria Regiment is attached to another unit the officers and the administrative staff have no knowledge of the provisions of the Nigeria Ordinance, and therefore it has been necessary to bring in that where troops are so placed, either the provisions of the Nigeria Ordinance, if their own officers are with them, will apply, or, when the Nigeria Ordinance cannot apply the Army Act will apply. I think from an article I read that there appears to be some misunderstanding about this. I may say it has nothing whatever to do with conscription or man-power. It is entirely a domestic matter; you cannot conscript anybody whether he be a protected person or a full citizen, under the Army Act.

Sir, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a first time.

THE MAGISTRATES' COURTS (CIVIL PROCEDURE) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to make provision for the Practice and Procedure in Magistrates' Courts in Actions for the Recovery of Debts and Demands and in Actions for Damages and for other Causes within the Civil Jurisdiction of Magistrates' Courts."

Before touching on the details of this Bill, Sir, I should like to invite attention to some figures in heavy type on the first page. That, Sir, indicated the main theme upon which this particular legislation has been based, namely, the County Courts Act of England of 1934.

This Bill is one of the several Bills relating to the judicial reforms which have been before the Council for some time.

Honourable Members will bear in mind the fact that two years ago we passed very important legislation relating to the constitution of a new Supreme Court absorbing in that court the existing Supreme Court and High Court. We also enacted legislation dealing with the creation of Magistrates' Courts

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throughout Nigeria these taking over all the Magistrates' Courts in the country, including the Police Magistrates' Courts in Lagos, and the Courts presided over by Commissioners of the Supreme Court. There will be in other words two types of Courts throughout this country : the Supreme Court, which is a Court of superior jurisdiction, and the Magistrates' Courts, which are Courts of inferior jurisdiction. With respect to the Magistrates' Courts we passed some of the legislation, but it has been impossible up till now to complete all the work necessary to bring in the scheme as a whole.

Honourable Members will remember—those who were here at the time that I mentioned then that the Magistrates' Courts would have their own simplified civil procedure. At present the Magistrates' Courts are governed by exactly the same procedure as in the Supreme Court, which is, of course, wrong. You cannot have a Court of summary and inferior jurisdiction being governed by the most complicated procedure of a Court of superior jurisdiction.

Now, Sir, the Bill before the Council implements the promise of the new Civil Procedure Legislation which I made. I would like to mention it introduces nothing new in principle, it introduces nothing which is in anyway revolutionary, but it does set out and stresses clearly what is the civil procedure to be adopted by the Magistrates in the course of their normal work in Court.

Further, in the margin alongside the different clauses, Honourable Members will see references to Forms; these forms will be found in the Schedule. They are not, with one group of exceptions, actually referred to in the text of the Bill, but are marginally noted alongside their appropriate sections so that the Magistrate who is dealing with a particular point may see the appropriate form of the order or judgment, or whatever the action he is likely to take, conveniently placed for his use. The whole of this setup, Sir, is designed to simplify and help the administration of civil procedure in the Magistrates' Courts. It has taken a lot of work and time as there was little suitable local procedure upon which to build.

In addition at the back of the Bill is printed a table showing the sources from which the particular clauses have been taken. In the margin of the Bill, Sir, where there are just in brackets the word "Sec." follows by a number, that means that the adjacent clause is taken from the indicated section of the County Courts Act of 1934 (24 & 25 Geo. V. c. 53), the act upon which as I have stated, this Bill is mainly built. Where the source is otherwise that is clearly indicated.

I would like, if Honourable Members will bear with me for a minute for them to look at the Arrangement of Parts and Sections printed in front of the Bill there they will see that the Bill is divided into a large number of parts and subsidiary headings.

Part II sets out the Jurisdiction and Law. That part shows where and how claims can be reduced and debts or demands brought within the Magistrate's jurisdiction. How and what causes of action can and cannot be divided; in short what a Magistrate can and cannot do within his civil jurisdiction.

Then we come to Part III—Institution of Actions. In the same way, Sir, this Part provides for the venue, namely, the places where a case can be

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heard, what must be in the plaint or claim before the Court; how process will be served; the proof of service and incidental matters before the Magistrate proceeds to the actual hearing.

We now come to something entirely new to Nigeria—the recognised principles of Default Summonses. This is covered by Part IV and comprises only four sections.

Then there is another part—Part V— dealing with Confessing and Entering up of Judgment.

Then, Sir, there is set out what happens at the hearing. The procedure set out in Part VI describes in sequence what happens where both parties appear, where only one party appears, references to arbitration, the Giving of Security; What to do with witnesses, the apprehension of absconding defendants, the addresses and so on to Part VII which deals with the Giving of Judgment; then comes Part VIII dealing with the Setting aside of Judgment and the ordering of new trials.

Honourable Members will notice that the Bill also makes provision for financial and a number of miscellaneous matters. I should like to emphasise that the Bill has been designed in this form in an endeavour to enable those Magistrates who are divorced from law libraries and who may be stationed far afield and unable to get assistance to find in the Ordinance itself a reasonably comprehensive guide as to what the procedure should be in any general case.

I cannot claim that the Bill is sufficiently comprehensive, but provision is made that where other matters do arise, they can be provided for by Rules of Court. Likewise, the forms in the Schedule can be added to, varied, or replaced by Rules of Court.

I think, Sir, this little Bill might be described as the Magistrate's Bible, and I hope he will get as much comfort from it as some others from that particular book.

Your Exellency, I beg to move that the Bill be read a first time. The Hon. G. L. Howe, Solicitor-General :

Your Excellency, I beg to second the motion.

Bill read a first time.

THE RECOVERY OF PREMISES ORDINANCE, 1945

The Honourable the Attorney-General :

Your Excellency, I rise, Sir, to move the first reading of a Bill entitled : "An Ordinance to make provision for the recovery of possession of premises."

This Bill, Sir, is an innovation in Nigeria and is a part of the proposed judicial reforms and the Bill deals with the recovery of premises when landlords have difficulties in recovering them and takes the place of the present ejectment action. At the present moment the Bill loses a great deal of its force by reasons of war conditions, as it is, of course, specifically made subject to any Defence Regulations relating to the letting and recovery of possession of premises.

This Bill is a part of the main judicial reform structure and does provide a simplified method applicable both to the Magistrate's Court and to the

Supreme Court, the object being to enable people who wish to get possession of their properties from tenants in illegal possession to recover the premises with the minimum of expense and delay.

I do not think that I need refer to the details of the Bill. They are simple and in front there is printed a table showing the arrangement of the Parts and Sections. I hope there will be no misunderstanding over this Bill, it has nothing to do with land law as such. It simply gives a landlord the power of recovering possession of his own premises in certain cases.

I mention this, Sir, because it is inconceivable how people can read into legislation matters which are not there. I have received a letter from some society in the country referring to this particular Bill. They have informed me that they understand the object of this Bill is to enable three European Inspectors to be appointed to examine premises, and also to provide for a considerable increase in the rates. I mention, this, Sir, to show the complete nonsense that certain people can imagine and I take it in this case that they were educated as the letter was extremely well written.

Arising out of this Bill I would like to mention one other thing. In order to complete this judicial reform legislation I am afraid it means introducing another seven Bills four of which are small. I had hoped, Sir, that they would have been published before this Council met but unfortunately, pressure of work from every direction, not only on me but also on others, has prevented these Bills being actually published before today. I understand they will all be available tomorrow and they will then be laid before this Council for consideration. I appreciate that Honourable Members will not have as much opportunity to consider them as they would wish but I propose asking on the second reading that the two Bills now before Council be referred to a Select Committee. I am going to ask Honourable Members to assist me in taking these other Bills so that we shall be able to have these seven other Bills, when before this Council, also referred to a Select Committee. There we can have informal discussion and examine details and any Member of the Council will be able to ask questions about any matter which he desires to know or may not fully understand. I trust that that suggestion will enable these laws to be on the Statute Book in the very near future.

I trust Honourable Members of this Council will bear with me and will be prepared to consider these Bills and that they will signify their approval to the procedure outlined so as to enable these Bills to be placed before the Council as soon as possible.

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

The Honourable G. L. Howe, Solicitor-General :

Your Excellency, I beg to second the motion. Bill read a first time.

The Honourable the Attorney-General :

On behalf of all those Honourable Members who have moved the first readings of their Bills today, I beg to give notice that all the Bills which have been read a first time this day will be read a second time and carried through to completion at a subsequent meeting of this Council.

Council adjourned at 4 p.m. until 10 q.m. on Tuesday the 6th of March.

APPENDIX TO FIRST DAY'S PROCEEDINGS

ADDRESS BY HIS EXCELLENCY THE GOVERNOR

HONOURABLE MEMBERS,

In making my second annual Address to this Council I have again followed the practice initiated by me last year and have placed printed copies confidentially in your hands a week before the opening day of the Session when it will be laid on the Table as a Sessional Paper. It is unavoidably long but I think that Honourable Members will find that it repays careful study since it contains not only a review of work accomplished but also statements of policy and plans for the future. I invite particular attention to the section dealing with Finance. This is in every way a momentous Session. Most vital questions of policy await your decision as well as a volume of legislation which aims at arming Government with power to improve the conditions and protect the interests of the people.

Finance

In the Address which I made to this Council in March, 1944, I summarized the general impression of Nigeria's financial position which I had formed since my assumption of duty here by saying that it appeared to me to be a sound one, in so far as the present and the immediate future were concerned, but less sound from the long term point of view. Now, a year later, I hold the same opinion,—but with this qualification, that from the long term point of view Nigeria's financial position and prospects look considerably better than they did a year ago.

My main reason for fearing at this time last year that the financial position was not as sound as it might be, on the long term view, was that Nigeria's reserves of cash and investments seemed very small in relation to its annual expenditure, which had risen from a pre-war level of about six million pounds per annum to a 1944-45 level of over nine and half million pounds per annum, and could not possibly be reduced unless the Government were prepared to take the most drastic measures of retrenchment, if the need arose. That great annual increase in expenditure continues, as Honourable Members will have gathered from their study of the draft Estimates for the coming financial year, and, committed as we now are to a policy of full-scale development (which I hope we may very soon be able to describe as "post-war" development) I can hold out no hope whatever that our expenditure will not continue to rise. But I am glad to be able to say that our reserve position has greatly improved since I delivered my last Address, as a result of the very large surplus of revenue over expenditure which we achieved in the financial year 1943-44, and the further surplus with which we now expect the current financial year to end,

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The year 1943-44 actually ended with a true surplus of \pounds 1,996,663, compared with an orginally estimated surplus of \pounds 360,140. Out of this enormous surplus we decided, as the Council will remember, to place \pounds 500,000 in the General Reserve Fund, \pounds 500,000 in the Supplementary Sinking Fund, and \pounds 60,000 in the Marine Renewals Fund, which was then "under-contributed" by that amount. As a result of these decisions, the true surplus of \pounds 1,996,663 was reduced to a net surplus of \pounds 936,663.

This great excess over the originally estimated surplus for 1943-44 was mainly due to two factors: Customs revenue, in the first place, exceeded the original estimate by \pounds 784,411, owing partly to the imposition of higher import and excise duties on a number of articles in March and August, 1943; partly to the fact that the volume of imports exceeded our original expectations; and partly to an increase in the takings from export duties. Secondly, the actual revenue from income tax exceeded the original estimate by \pounds 827,284, that estimate having clearly been far too conservative. Companies' income tax, in its present form, was only introduced at the beginning of the year whose results I am describing, and the Inland Revenue Department had not yet sufficient data on which to estimate its probable yield with any certainty. Several other Heads of revenue also exceeded their original estimates by large sums.

So much for 1943-44. The current financial year does not promise quite such spectacular results, but there is every indication that it will end very satisfactorily. Our present estimate is that the current year will end with a surplus of about £800,000, compared with an originally estimated surplus of £525,290; and here again the main causes are excesses over the original estimates of revenue from Customs duties and income tax,—helped, on this occasion, by a windfall of £121,000 from a distribution of the profits of the West African Currency Board.

As I have already said, the effect of these two very large surpluses has been a great improvement in our reserve position. On the 1st April, 1943, our reserves (calculated by a method which includes all the cash and investments that could be made immediately available to meet excesses of expenditure over revenue) stood at approximately four million pounds : on the 1st April, 1944, they stood at well over five and a half million pounds ; and by the 1st April, 1945, I expect them to stand at about six and a half million pounds. At this last figure they will represent considerably more than half a year's expenditure at our present rate of spending, and may be regarded, for the time being, as quite reasonably large reserves even for a Colony of Nigeria's size to carry.

That is the bright side of the picture. On the reverse side there is the fact that the current or the next financial year will almost certainly be the last, for some time to come, in which we shall be able to make any considerable additions to our reserves. For the great programme of

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fortunately, our revenue has kept pace with the rise in expenditure, so that even in the Budget for the coming year we expect a small surplus. But even if that Budget had provided for a large deficit I would not have asked the Council to deviate from our present policy, which I am confident is the right one. These increases in expenditure represent progress and development, and progress and development we *must* have.

Apart from Public Works Extraordinary, which I leave to the Financial Secretary to explain, the largest increases in expenditure are to be found, as might be expected, in our largest social service departments, the Educational and the Medical. The estimates of the Education Department show an increase of £143,350 over the current year's provision, mainly owing to a very large increase in grants to assisted schools, and to the fact that this Government has recently decided to provide a far greater number of annual scholarships than ever before to enable African students to complete their education abroad. The Medical estimates show an increase of £116,990, mainly due to the proposed introduction of a number of much needed improvements in medical and health services, such as an improved and expanded dental service, the provision of a "nutrition unit," a considerable extension of the laboratory service, provision for a rehabilitation centre for disabled African soldiers, and a new scheme for the training of nurses and midwives. Honourable Members will find, throughout the Medical estimates, additional staff and increased provision under Other Charges for these new schemes.

Hitherto I have made only passing references to what is by far the most important feature of the Budget for 1945-46 : a number of very large schemes of development, to be financed by the Imperial Government under the Colonial Development and Welfare Act, which appear for the first time in the Nigerian Estimates, will be found under a new Head, No. 47, "Colonial Development and Welfare Schemes." On the outcome of these schemes the whole of Nigeria's social, economic, and financial future may be said to depend : but I do not propose to do more at present than draw the Council's attention to them, for they will be fully explained by the Development Secretary, in whose charge they are, before Honourable Members are asked to approve of the provision made for them in the Estimates.

When the Budget for the current financial year was introduced in this Council last March, it was described as the first to make provision for "the preliminaries of development." The Budget for 1945-46 goes much further than that, since it provides for the first instalment of an actual programme of full-scale development, made possible by the generosity of the Imperial Government, which I believe will eventually bring about an improvement in the social and economic conditions of Nigeria far greater than any we could have dreamed of even a few years ago. For that reason, if for no other, I regard this Budget as the most significant and important that has ever been brought before this Council. I am confident that Honourable Members will give it the full consideration that it deserves, and I hope that they will find themselves in

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agreement with the policy on which it is based. I also trust that they will not fail to realize that the era of progress and development to which we can now look forward could never have been contemplated but for the progressive and enlightened policy of the Imperial Government and the readiness of the British taxpayer to contribute to the advancement of the peoples of the Empire.

Development

Honourable Members will remember that steps were taken to commence the organization of development work in 1943, when it was decided to set up an Advisory Committee on Economic Development and Social Welfare with an officer permanently employed as Secretary, who would deal with development papers in the Secretariat. It was subsequently found that the work of development planning would be sufficiently extensive to warrant the establishment of a Development Branch in the Secretariat with a senior officer in charge to co-ordinate planning and development activities. The officer in question was appointed, and arrived in Nigeria towards the end of May, 1944, and, after discussion with Heads of Departments, Chief Commissioners, and other Administrative Officers, a rough outline plan of development was prepared based upon proposals and policies of departments, and the suggestions which had been brought forward from the Provincial Development Committees.

It was then decided that this officer, together with the Deputy Director of Public Works, should visit the Colonial Office with a view to seeking the advice of the specialist and other advisers to the Secretary of State as to the lines which would be acceptable for general development, and to enquire as to the degree of assistance which might be forthcoming to Nigeria from the Colonial Development and Welfare Fund. The Financial Secretary and the Director of Medical Services, who were then on leave, also participated in these discussions in London and I had the opportunity of doing so myself.

The result has been that the Secretary of State has approved of development planning for Nigeria being carried on on a wide basis, and upon a ten to eleven-year plan, covering the period to 1955-56. It will take a considerable time for full details of such a plan to be completed, especially as it is necessary that proper economic planning should be effected in order to absorb the productive capacity of the people resulting from various forms of assistance on the welfare side.

In order to do all this it has been necessary to extend the Development Branch and place the work of planning under the control of a Development Secretary. Finance Committee approved of such action in December, 1944.

The Advisory Committee on Economic Development and Social Welfare, which was appointed in 1943, had a large membership, and because many of these members were not resident in Lagos, it proved very difficult to use this Advisory Committee effectively. As development has to proceed largely on a localized basis I have decided, on the advice of the Executive Council, to abolish this Committee and replace it by a Central Development Board consisting of a few members whose duties will consist in dealing with the major issues and financial control of schemes supported from the Colonial Development and Welfare Vote. At the same time Advisory Committees are being appointed for each Chief Commissioner's area, while the Provincial Development Committees, strengthened where necessary by additional members so that they will be properly representative of all concerned, will continue to deal with development and planning on the local basis.

A preliminary statement of those sections of the development scheme which have already been fully considered, as well as the lines on which other planning will proceed, will be laid on the Table of this House, and an opportunity for discussion will arise during the Debate on the Budget, when the Development Secretary will make further statements amplifying the paper laid on the Table.

Northern Provinces

The loyalty of the Northern Provinces chiefs to the Government and of their people to them has continued unbroken throughout the year despite the extra burden which the increasing shortage of staff and the prolonged strain of the war have brought. The people have responded to all claims made upon them and, though the revocation of the regulations governing selected labour for the minesfield on the first of October to some extent lessened the strain on man-power, there has been no slackening in the field of production either of foodstuffs or of export crops. The flow of recruits for the armed forces has also been adequately maintained. For these achievements credit is again due to the Native Authorities and their District Headmen, who have had to carry on with even less advice and assistance from the increasingly attenuated administrative staff. A political development has been the willingness displayed by some native authorities to include on their advisory councils young men of character and standing to speak for the younger generation.

PRODUCTION

Groundnuts.—The price of groundnuts per ton in the Kano area was increased for the 1944-45 season to $\pounds 12$ at railhead, with a minimum of $\pounds 9$ however distant from the railway. In the previous year, 1943-44, the price was $\pounds 9$ on the railway and a minimum of $\pounds 8$. It will be noticed the difference between maximum and minimum was increased by $\pounds 2$ ($\pounds 1$ to $\pounds 3$), and in consequence the subsidy payable considerably decreased; generally speaking subsidies became payable at about 120 miles from railway this season as compared with only forty miles last year. A small increase in price was also made in the river area. Emirs, District and Village officials again undertook a vigorous propaganda campaign which obtained a willing response from the farmers, and the area under groundnut cultivation was undoubtedly increased. Unfortunately, and to the disappointment of all concerned, climatic conditions were again unfavourable and the final export tonnage is unlikely to exceed that of the preceding season.

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Rice.—The buying of the 1943-44 rice crop was handicapped by the fact that the price paid was considerably below that obtaining in the open market. It is not yet possible to estimate the probable tonnage of the 1944-45 crop.

Rubber.—Most of the rubber in existence in the Northern Provinces has been tapped and since it is of the vine variety tapping cannot be repeated. Future production in the Northern Provinces is thus likely to be insignificant compared with the amount of plantation rubber produced.

Corn.—The millet and guinea-corn harvests have come up to average though a partial failure is expected in areas of Katsina, Daura and Sokoto Emirates. There has been a reduction in the demands of the services and the minesfield for requisitioned corn and it is anticipated that a small surplus will be available to add to the existing reserves for local food shortages. Arrangements have been made for the construction of stores at key points to house these reserves.

Despite the requisitioning of 40,100 tons of grain the good harvest of 1943 ensured an adequate food supply throughout the Northern Provinces. The 1944 harvest has been fair and, though the amount of corn available may be less than in 1944, a food shortage is unlikely to occur during 1945 particularly if the anxiety of gari merchants to export the flour to the Northern Provinces is maintained.

The appearance in Nigeria for the first time of the desert locust in the early months of 1944 caused serious misgiving. This species is a voracious pest and constitutes a menace to food supplies of much more serious dimensions than does the African Migratory variety. An organization was at once brought into being to combat the danger and mobile teams were formed to deal with any possible outbreaks. Fortunately, however, the locusts departed with the advent of the wet season and no serious damage to crops was caused.

Plans for post war development are in the process of formulation by Provincial Development Committees. The plans include both major capital works and rural development schemes, but in this field as in all others efforts are handicapped by the shortage of staff and materials. A committee has been set up in the Northern Provinces to consider the question of the re-settlement of demobilized soldiers and its recommendations are now receiving attention.

In the early part of the year Nigeria mourned the deaths of the Emirs of Katsina, Abuja and Gumel after long and devoted service to the Government. Their successors are young educated men and it is confidently expected that they will live up to the good record of their predecessors.

One of the outstanding events of 1944 was the visit of the new Emir of Katsina to West African Troops serving in India and Burma. The Emir took with him the good wishes of all West Africans to their comrades fighting in the Far East and he was received there with acclamation. Thanks are due to the Emir for undertaking this long and arduous journey and to the military authorities and the Government of India who made the journey possible. In 1945 both the administrative staff and the native authorities will continue to be mainly preoccupied with production and other activities directly connected with the war effort. Preparations for the return of demobilized soldiers and schemes for the development of town and countryside will be kept in the forefront of the year's programme of work. The native authorities have agreed to contribute towards the cost of training schools for native authority police, artisans and clerical staff. It is also proposed to extend the facilities of the Kano Native Authority Survey Institution at Kano to train staff of other native authorities as land settlement officers who will take part in the schemes for rural development.

One result of any concentration on future development which may take place will be a necessity for the European staff to have yet greater reliance upon the native authority machinery for normal administrative duties, but experience has shown that the majority of native authorities of the Northern Provinces are well able to sustain this extra burden.

Western Provinces

Captain Ross, late Senior Resident, died on the 8th of September, 1944, as the result of an accident. The news of his death was received with sorrow by the people of Oyo Province in which Captain Ross served for twenty-five years. Native funeral ceremonies were held throughout the Province in his memory.

The Alafin of Oyo died at Oyo quite suddenly on the evening of the 19th December, 1944. Although advanced in years he had appeared to be in good health before his death. The Alafin had been well known for loyalty since he succeeded to the title of Alafin in 1911. Although generally conservative in his views, of recent years he had followed an increasingly progressive policy in the administration of his country.

A picturesque and kindly figure has left us with the death of the Alafin. All will join his people in mourning for him.

PRODUCTION

Food.—Planting of the principal food crops again increased and the weather was on the whole favourable. Though the Abeokuta rice crop suffered from adverse conditions, less difficulty was experienced this year in providing the quota required for Lagos while adequate supplies of other foodstuffs for Lagos and the armed forces were readily forthcoming. It was also possible to remove almost all restriction on the movement of food within the Western Provinces. With the exception of meat prices of essential food in the open markets tended to decline steadily through the year.

Palm Produce.—The people reacted well to propaganda for increased production and little use had to be made of the powers granted under the Defence Regulations to compel production. Production of palmkernels showed an increase of about 5 per cent over that of 1943 but was slightly less than 1942 in which year, however, production was well above average. Quantities of palm-oil sold for export again declined but it is probable that increased internal consumption concealed an actual increase in production.

Cocoa.—The 1943-44 main crop season was a poor one largely owing to neglect of plantations and disease. The full effect of the efforts of producers to put their farms in order which followed the early announcement of an increased price may not be reflected in grading statistics until the 1945-46 season, though they are apparent to a traveller through the Western Provinces.

Rubber.—The production of plantation rubber has continued to increase as new plantations come into bearing, and Native Authorities in parts of the Benin and Warri Provinces have found it necessary to prohibit further planting in some areas in order to conserve land for the growing of essential food. It is to be regretted that quality has deteriorated and an improvement in this respect is essential if Nigerian rubber is to find its proper place when the demand for maximum production is no longer urgent. A falling off in the production of wild rubber has been mainly due to the rigour with which the trees and vines were tapped in the previous year.

During the year, consideration has been given to post-war development plans, demobilization schemes, education plans, etc. Provincial Committees, under the chairmanship of Residents, have been convened and have included among their members not only departmental authorities and representatives of Commerce and of the Missions, but also a number of leading Africans of the communities concerned. The native authorities have also been well represented. Progress has been satisfactory and practical proposals have been forthcoming. The native authorities have shown great interest in Development Schemes for the post-war period and have played their valuable and indispensable part in production drives, recruiting and other war efforts.

In administration, the native authorities have continued to shoulder additional responsibilities and to perform their duties with a degree of efficiency which if not of the highest standard cannot but be regarded as satisfactory in present conditions when the Administrative staffbarely sufficient in the Western Provinces to provide one Administrative Officer for each 100,000 of population-in their preoccupation with war-time activities have found it impossible to devote more than the most perfunctory attention to normal administrative work. It is a matter for congratulation and ground for sober hope for the future that with so little supervision and so little contact between Administrative Officers and the people, the administration has been carried on without any serious disturbance or breach of the peace. This state of affairs, may not continue indefinitely and moreover, however well the native authorities are carrying out their duties at the moment, these duties in no case cover more than a part of the field of local administration. To fit them to play their full part and to take their full share of responsibility in social welfare and development, they will require a very much greater measure of advice, guidance, supervision and instruction than we have been able to provide in the past few years. The restoration of the Administrative Service to at least its pre-war strength is a matter of supreme importance.

Eastern Provinces

- Throughout the year the emphasis has been mainly concentrated on :
 - maintaining the production of palm produce for the war effort; and
 - (2) planning post-war development.

The production team of five Administrative Officers has continued in being, although shortage of staff necessitated the number being reduced to three for a period of about three months. The figures show that no very great increase in output has been achieved; but it is certain that with the added wealth accruing to the people in the form of soldiers' allotments and separation allowances and the demand for foodstuffs, which command a good price, without this drive for the production of palm produce the figures would have shown a sharp decline. Regulations No. 89 of 1943 which provided machinery for compelling maximum production have been applied with discretion and have on the whole been cheerfully accepted by the people. A notable increase in production has been achieved in the Owerri Province.

The intensive drive for wild rubber slackened during the year since the potential had been greatly reduced and it was felt that to search for small quantities in remote areas represented an uneconomic use of man-power. Nevertheless the people are being encouraged to produce rubber wherever it still exists in sufficient quantity and they are doing so.

Planning for post-war development has received increased attention from Provincial Committees. Plans have been drawn up for the construction of 2,112 miles of "feeder" roads in the Eastern Provinces; for providing adequate telephone and radio telephony communications; for the improvement of water supplies on a wide scale and for the provision of increased medical facilities. Shortage of staff was the limiting factor and it always appeared that too much was being attempted by too few. Particular mention should be made of a scheme for the development of the underpopulated area stretching from Calabar to the Upper Cross River : this includes the construction of two pilot roads, one from Bansara to Mamfe and one from Calabar to Mamfe, which will link Nigeria proper with the Cameroons.

Tax rates were still further increased in all except the Cameroons Province and one clan in the Calabar Province but in spite of the increase the collection has proceeded smoothly—except in some parts of the Ikot-Ekpene Division of the Calabar Province—doubtless on account of the surplus money available. In some divisions as much money comes into the division in a year from separation allowances and soldiers allotments as is taken out in tax. In parts of the Ikot-Ekpene Division a series of women's meetings were held in November and December accompanied by some disorder.

During the latter part of the year special appeal weeks were held in aid of the War Relief Fund. A most generous response was met and a sum of approximately $\pounds 15,000$ was collected. Contributions were everywhere on a generous scale but notably good figures were obtained from the more remote areas where the people's resources are limited.

The tendency apparent in 1943 for the smaller Native Authorities to federate has again been noticeable. The work of the Native Courts

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has been the subject of criticism and reform is under consideration.

No progress has been made with the proposals for municipal reform in Calabar where the Native Authority is apprehensive of the effect of such reform on its own position. Discussions are continuing. The Onitsha Native Authority on the other hand has shown itself fully conscious of its increased responsibility, as a successor to the former Township, and is anxious to assume complete control of its own finances. In July the Port Harcourt community were told that I should be willing to consider giving them a considerable degree of municipal self-government and discussions have since been proceeding with public bodies at Port Harcourt with regard to the form which the organization should take.

Much has been heard throughout the year of Mass Literacy and the methods of achieving it in this country are being explored. Successful experiments have been carried out in the Udi Division where evening classes are conducted by volunteers for adults of both sexes. Even quite old men and women have shown great enthusiasm to learn to read and write. It is hoped that the experience gained will be of assistance in other Divisions.

The problem of the re-settlement of demobilized soldiers after the war has engaged attention and a special Committee has submitted a report after an exhaustive survey. This problem has been viewed vis-avis the development programme, which it is hoped will provide opportunities for employment and for land settlement schemes.

Colony

LAGOS

The Control Scheme instituted in October, 1943, has worked very satisfactorily and has been well received by the population of Lagos and environs. A Centre was opened at Apapa in October, 1944. Now that attendances at the Centre are more organized it has been possible to withdraw the voluntary supervision so necessary at the outset. The Scheme, which has cost Government some £140 a month, net, since its inception, has resulted in an appreciable reduction in the cost of living index figure.

On the Welfare side a building has been selected for use as a Juvenile Court and Remand Home and it is hoped it will be opened early in 1945. At the end of the year the Salvation Army Industrial Home for Boys at Yaba was taken over by the Colony Welfare Officer and it is expected that the inmates of the Home will move to the new Home in course of erection at Isheri in the Ikeja Division, early in the New Year. It is proposed then to use the Government buildings at Yaba, vacated by the Salvation Army, as a Government Girls' Home.

MUNICIPAL

Council elections took place in June. Wards A and B were uncontested, elections taking place in Wards C, D and E. Only 762 voters registered in the three last mentioned Wards out of 1,021 in all Wards, and only some 68 per cent of the voters registered their votes. The elections coincided with the reconstitution of the Council which now, with the African appointed members, has an African majority. With the appointment of appropriate Committees to deal with specific matters before discussion in full Council, the Council has made a definite step forward on the lines followed by Municipalities elsewhere:

During the year two young men have been sent to England at the Council's expense to be trained for some five years in Municipal Law and Practice, and Municipal Accounting, respectively. It is hoped that these young Africans will take over responsible positions on the Council's staff on their return to Nigeria. Reports on them received to date have been good in each case.

The Council is at present considering carrying out with Government's assistance a very necessary programme in resurfacing of existing surface roads in the Township, spread over five years. It is estimated that the cost will be over $f_{200,000}$.

RURAL

Every endeavour has been made to stimulate production, particularly of oil and kernels, and in certain areas there has been an increase over previous figures. The recently approved Ikeja Native Administration commenced to function on 7th December, on the appointment of a native authority in place of the Divisional Officer. The native authority and native court comprise representatives from all walks of life of the communities concerned, and there is every reason to hope that the reorganization will be a success. The native court was opened on the 7th of December. Village school education schemes expand and progress in the Epe and Badagri Divisions, and in each of these divisions recently formed classes of adult education show definite prospects of success.

Treasury

The increase of over a million pounds in both the estimated Revenue and Expenditure of Nigeria during 1944-45 does not fully reflect the extent to which the duties of the Treasury are continuing to expand.

During the year under review it has been found necessary to form a new section under the control of an accountant, consisting of a small number of permanent Treasury clerks supported by a staff of no less than 171 specially appointed temporary clerks distributed throughout the country to deal with military accounts, and, in particular to regulate the payment of marriage allowances and allotments of Nigerian servicemen. Increasingly detailed work continues to arise from schemes under the Colonial Development and Welfare Act, nine of which were in operation, in addition to nine further schemes approved, during the year. Quasi-commercial undertakings of Government require more elaborate accounting supervision as they grow in importance and volume and it is a matter of regret that inspection and advice by experienced touring officers has been so difficult to arrange. A recent temporary improvement in staff has, however, enabled a European officer to instal an accounting system in the Badeggi Rice Mill undertaking and it is hoped that in the future it will be possible to arrange for a member of the staff to give the necessary tuition and assistance to the departmental staff concerned with the other undertakings. The Treasury is at present directly responsible for the supervision of the

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accounts of eight of the thirteen undertakings of this nature; the other five being under the immediate supervision of a private firm of Accountants. It has also been necessary to allocate an Assistant Accountant to work exclusively in connection with "Reciprocal Aid" Accounts.

The staff position continues to be acute. During the year seven new appointments were made from the United Kingdom, but these were offset by the loss through retirement or transfer of three senior and three experienced junior officers. Meanwhile it is impossible to regard complacently a situation in which a largely inexperienced staff is endeavouring to cope with an ever-mounting volume of work.

Nevertheless, during the current year, although much that is highly desirable has perforce been left undone, the critical state of arrears which previously obtained has been largely eliminated. Sections giving the most concern were those dealing with numerous detailed accounts ; Advances and Deposits approximately 3,600, and Provident The position in these sections is now satisfactory. Funds nearly 11,000. Sales of Nigerian Savings Certificates continue to mount and records are so maintained that authority for repayment is normally issued at not more than forty-eight hours notice. Improvement in receipt of mails carrying the Crown Agents monthly accounts has also led to curtailment in the inevitable delay in the completion of the main Colony accounts, a statement of which appears monthly in the Gazette. With the elimination of arrears it has also been possible to institute certain improved accounting methods, and the possibility of mechanizing a large part of the accounts after the war is under preliminary examination.

Currency in circulation continues to expand. The total for Nigeria cannot be separately determined; but for the West African Colonies as a whole, at the latest date available, June 1944, the amount was $\pounds 26,378,126$ as compared with $\pounds 23,950,869$ at the same date in 1943. Issues of new money from Currency Board Stocks in Nigeria reached the unprecedented monthly total of $\pounds 790,000$ in November, 1944, and it appears reasonable to infer that the activities of the Treasury are expanding in a similar ratio.

Audit

The increase in the volume of work of the various Government Departments, the Nigerian Railway, Custodian of Enemy Property and the Native Administrations in the Northern Provinces has considerably increased the work of the Audit Department, and as these activities take on a wider sphere so is the field of audit extended. The audit of the Command Paymaster's accounts and of the Military Stores is of some magnitude and it is pleasing to note that the War Office has recently expressed appreciation of the good work which has been put in on the accounts.

Inland Revenue

The past year has been one of considerable expansion in the department. The European staff which until the middle of the year 1943-44 consisted of one officer only, has been increased to a present establishThe Department of Customs and Excise continues to work in close alliance with the Supply Branch in the control of imports and exports. The additional work involved is considerable and places a heavy burden on officers already over-taxed but it is one that is borne loyally and cheerfully.

FUTURE PROGRAMME

The draft Customs Regulations which it is hoped will be brought into force with the new Customs Ordinance as soon as times become a little more normal have been in the hands of merchants for some months. A similar procedure was adopted in the case of the Ordinance as it is considered advisable that interested parties should have an opportunity of criticising new legislation affecting trade and customs before it is finally enacted. In the meantime a departmental code of rules is ready for printing and this when published will, with the new Ordinance and the Regulations made thereunder, complete the reorganization of the customs side of the department which was begun in 1940.

Agriculture

The work of the Agricultural Department has been handicapped by serious losses amongst its European Staff, and at times it was only with difficulty that all lines of work were kept going. During the year 1944 no less than eleven officers left the Nigerian Agricultural Department. Replacements amounted to three Agricultural Officers and three Inspectors of Produce. Of those who left the Nigerian Service Mr R. R. Glanville, M.B.E. has been appointed to the post of Director of Agriculture, Sierra Leone, and Mr E. W. Leach to the post of Deputy Director of Agriculture, Trinidad. In addition to these losses, an unusually large number of officers proceeded on leave during 1944 and a high percentage of them were granted extensions of leave for health reasons. Some of these extensions were of several months duration.

Production of the main export crops remained at a high level, but there has been a falling off from the very high figures of 1940-41 and 1941-42. The gradings of palm oil for the calendar year 1944 amounted to 141,000 tons as compared with 139,000 tons in 1943 and 154,000 tons in our record year. During the same period gradings of palm kernels amounted to 341,000 tons, as against 324,000 tons in 1943 and our record of 351,000 tons.

The groundnut crop in the Northern Provinces is unlikely to exceed 190,000 tons. This figure compares with 195,000 tons last season, and an average of 195,000 over the last fifteen seasons. Although the rains were late and the total rainfall less than last season the average yield—as measured from some 144 plots scattered throughout the Kano Province—was slightly greater than that of last season. Yields were better than last year in the southern part of the area and poorer in the more northerly parts. The 1943-44 cotton crop of the Northern Provinces amounted to 18,577 bales of lint while the southern crop from the Western Provinces amounted to 6,309 bales. The 1944-45 northern crop will probably not exceed 16,200 bales. It is interesting to compare these probable 1944-45 cotton and groundnut figures

namely 190,000 tons groundnuts and 16,200 bales of cotton with the actual figures for 1940-41 when 237,000 tons of groundnuts and 66,000 bales of cotton were exported from the Northern Provinces.

The 1943-44 main crop of cocoa was the lowest for several years, and the 1944-45 crop was unfortunately no better. For the seasonal year ending 30th September, 1944, we exported 9,800 tons of beniseed as compared with 10,000 tons in the previous season and 17,900 tons in 1941-42.

During 1944 the production of plantation rubber amounted to the very satisfactory figure of 8,044 tons. Of this quantity 4,846 tons were produced from African owned estates. The Agricultural Department has continued to make every effort to improve the quality of the rubber produced by Africans and the results have been very satisfactory. Two Production Officers and a team of African Assistants have been employed on this work throughout the year. The inspection of rubber has been successfully carried out by the Produce Inspection section. The grades are complicated and the staff at first required a good deal of instruction. As a result there were a few cases of incorrect grading at first but these difficulties were gradually overcome.

I wish to draw attention of Honourable Members to the fact that with the exception of these difficulties with the grading of rubber throughout the whole period of the war there has not been a single major complaint and only one or two minor ones as to the quality or grading of Nigerian produce. This is a very real tribute to the work of the produce inspection section which in addition to the actual inspection of export produce also provides the Government with the facts and figures required for the efficient working of the control schemes, and also assists by the unofficial inspection of such commodities as rice, corn, etc., purchased for the Army and for civil supply schemes.

The 1944-45 season was generally satisfactory from the point of view of the production of local food crops, except in parts of the Northern Provinces where the millet crop was very poor, and the guinea corn crop was definitely below average. The total guinea corn crop is however likely to satisfy all needs and to provide for requisitioning requirements.

There was a very considerable expansion in the area under rice in both the north and the south, but production is still hardly able to keep pace with the demand. The Agricultural Department continues to do everything possible to stimulate production and regards this as one of its most important lines of work. The Badeggi rice mill had a successful season, its output being 156 tons of clean rice, most of which was supplied to hospitals, schools and canteens. Arrangements are now being made for a second small mill to be started at Baro.

The work of the Civil Supply Officer was completely handed over to the Supply Branch on 1st April, 1944, and the Agricultural Department no longer has any responsibility in connection with Army supplies. The scheme by which the department maintained reserve herds of cattle for the Army was closed down in September, 1944, mainly because of the very serious losses of cattle on the Plateau due to pleuro-pneumonia. The serious nature of this disease is shown by the fact that in the last nine months 3,700 head were actually supplied from the reserve herd maintained on the Plateau to the Army while 4,700 head died or had to be slaughtered. The scheme did however for a time serve a very useful purpose and carried the Military Authorities through a period of considerable difficulty. Pleuro-pneumonia has - also checked the progress of the Agege fattening scheme and in December all the cattle in the byres had to be disposed of. Previous to this the scheme was progressing well and the results were most encouraging. The scheme is being continued as it undoubtedly has great possibilities, but in view of the disease situation it is clear that for the next year or two it will have to be regarded as an experiment rather than as a commercial enterprise. In the meantime at Daudawa the department is carrying out an experiment in the organization of cattle markets.

The departmental piggeries have made almost spectacular progress. During the first eleven months of 1944 they sold 4,200 pigs, *i.e.* 560,000 lb of meat, and up to the 31st March, 1943, they had made a profit of \pounds ,4,600. They are now steadily producing over 400 pigs per month. Pig production under hygienic condition is now being taken up by Africans in the Southern Provinces.

The very satisfactory development of vegetable production by African market gardeners to which I drew attention in my last year's speech has rendered the departmental vegetable gardens superfluous and most of them have now been closed down—temporarily at any rate. Railings of vegetables from Kano and Jos increased from 425 tons in 1943 to 431 tons in 1944. In Maiduguri the supply of vegetables produced by market gardeners increased from 17 tons in the rainy season of 1943 to over 30 tons during the same period of 1944. There is still further evidence that the consumption of vegetables such as carrots is increasing among Africans. The department in addition to importing and distributing the large quantities of vegetable seeds is still doing its best to produce vegetable seeds locally.

Purchases of wheat from the 1943-44 crop amounted to 182 tons an increase of 60 tons as compared with the 1942-43 which was a poor season. This wheat is gradually being disposed of to the Lisabi Mills. Hitherto the wheat purchase scheme has been run at a small profit but the reduction in the duty on imported flour undoubtedly means that existing stocks must be sold at a loss if the price of local flour is to be brought into line with that of imported flour.

That there is a steadily increasing local consumption of fruit is shown by a still further satisfactory increase in the railings from the south to the north. The output of fruit juices by the Blaize Memorial Institute amounted to 144,000 bottles in 1944 as compared with 213,000 bottles in 1943. The production of jam and marmalade was again curtailed owing to lack of demand from the Army.

The production of English potatoes in the first ten months of 1944 amounted to 1,167 tons an increase of 39 tons as compared with the same period in 1943. While there was a slight decrease in the Plateau Province, production in the Zaria Province increased by over 20 per

cent and now amounts to over one-third of the whole crop. During the year an up-to-date potato market and store was established at Guga station, where the storage and marketing of potatoes is being investigated.

The brown sugar industry in the Northern Provinces is steadily becoming established. During the 1943-44 season, 1,400 tons were produced from 160 crushers. The product seems to be extremely popular especially in Kano and Sokoto. There is a real demand for more crushers but unfortunately further supplies ordered from India have not yet arrived. The lack of imported sugar moulds has been overcome by the manufacture of a local substitute.

The prohibition of the use of local twine for the sewing of produce bags reacted on the local twine industry, and in the Bida area only 58,000 hanks were sold in 1944 as against 164,000 hanks in 1943 but sales of locally made rope are still satisfactory, and the demand is steadily increasing. Production in 1944 amounted to 4,000,000 yards as compared with 1,000,000 yards in the previous season.

The growing export of birdseye chillies is worthy of mention. Nigerian birdseye chillies have received extremely favourable reports both in the United Kingdom and the United States of America and as it is an extremely valuable crop to the producer every effort will be made to develop the market for our product, and to retain it after the war. With this object in view regulations for the inspection and classification of all chillies intended for export were recently introduced and the Agricultural Department produces and issues carefully selected new seed each year. Another interesting development is the export to the Ministry of Supply of a trial consignment of some 30 tons of Nigerian Soya beans which have been produced under the supervision of the Agricultural Department. These have been grown in both the Northern and Southern Provinces.

No review of Nigerian production would be complete without making some mention of the Kola industry. In recent years there has been a considerable increase in the production of Kola in the Western Provinces and in 1941 railings to the Northern Provinces jumped from 24,000 tons in 1940 to 35,000 tons. The 1943 figure was 35,300 tons.

A scheme for the purchase of palm oil according to standardized grades was introduced in January, 1944, and an adequate premium was paid for oil of less than 18 per cent F.F.A. Honourable Members will be interested to know that since this scheme was started 50 per cent of the palm oil graded has come into the highest grade namely 9 per cent F.F.A. and only 1.3 per cent was over 36 per cent F.F.A. There is an obvious need for a still higher grade and this question will be considered by the Committee which I have appointed to make recommendations on the Government's future policy with regard to the palm oil industry. In view of the interest in the possibilities of plantations which some Honourable Members and the press have from time to time evinced it may be of interest to Honourable Members to know that no plantation in Nigeria has so far produced yields which are comparable with those produced in Malaya and Sumatra, and the "Deli" oil palm on which the success of these plantations has been based, has so far not been as successful in Nigeria as our own local types. On the other hand some of the more recent types bred by the Agricultural Department's plant breeders show great promise and will be tested on a big scale as quickly as possible. In spite of all the difficulties due to shortage of staff, research in connection with the oil palm has been kept going throughout the war, and steady progress has been made with the development of the oil palm research station. In this connection Dr Tempany, the Agricultural Adviser to the Secretary of State who visited Nigeria in January, 1944, was able to report to the Secretary of State as follows :—

"The Oil Palm Research Station at Benin was started immediately before the war. It is the only crop research station in West Africa conceived on sufficiently generous lines as far as extent is concerned. It is well laid out and the programme is well devised. Its work has been closely followed by the Colonial Advisory Committee of Agriculture in England."

The Government has submitted an application for assistance from the Colonial Development and Welfare fund to enable this station to be developed still further. Some idea of the magnitude of the work involved in the production of better types of palms may be gained from the fact that no less than 30,500 palms are at present being recorded for yield each year and every bunch of fruit produced from these palms is individually weighed.

In connection with research generally Honourable Members will also be interested to know that Dr Tempany was also able to say that—

"Much greater progress has been made with Agricultural Research in Nigeria than in other West African Dependencies and in a number of directions the results have furnished a sure foundation for progress."

He also stated that-

"On the livestock side the work of the department has been preeminently good."

Throughout the year the animal breeding work and research on animal nutrition and management at the two stock farms at Shika and Ilorin has been maintained. The Agricultural Chemists have carried out a survey of some of the soil problems of the Eastern Provinces and our knowledge of these soils has advanced considerably. In this connection the department's experiments with the local production of lime and its uses for Agricultural purposes have given very encouraging results: In addition to his work on locusts, the Entomologist has also carried out investigations on a beetle found attacking palm nuts, an insect causing considerable damage to stored groundnuts in Adamawa, and on the new insecticide D.D.T. Noteworthy also was the discovery of the pink bollworm in stored cotton seed at Zaria. This is the first record of the occurrence of this serious pest in Nigeria. In addition to their work on oil palms the Botanists have continued their very successful work on the production of mosaic resistant and high yielding types of cassava, improved strains of cotton, groundnuts, and local foodstuffs.

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In the Northern Provinces there has been a still further increase in the number of farmers who are in receipt of advances for the purchase of the necessary cattle and implements to enable them to start mixed farming. Of the 2,250 at present on the books no less than 739 have paid off the advance completely or have a credit balance and 764 owe less than f.6. The progress of the Daudawa settlement scheme has been extremely satisfactory and detailed plans for a soldier settlement run on similar lines has been drawn up. This scheme provides for the settlement of between 400 and 500 families in circumstances which would provide them with all necessary amenities and enable them to farm on up-to-date lines. In the Ondo and Kabba Provinces an interesting development is an attempt to control and improve the local dwarf cattle which at present live in a semi-wild state and are a nuisance to the cultivators. Several herds are now being properly herded by day and kraaled at night. Improved bulls have been provided from the Ilorin stock farm and at Kabba a small dairy has been started.

Good progress has been made with the establishment of the Cinchona plantation at Esosong in the Cameroons. The object of this plantation is eventually to make Nigeria self-supporting in quinine.

Honourable Members will remember that in my speech last year I referred to swollen shoot disease of cocoa which has caused concern to the Government of the Gold Coast. I also stated that it was essential that a comprehensive survey of our own cocoa areas should be carried out as rapidly as possible. This survey is now in progress, and already three cases of suspected swollen shoot disease have been discovered. This is a serious matter for the cocoa industry, and it is necessary that the Government should have powers to ensure that when control measures for plant diseases such as swollen shoot, and pests such as the bollworm of cotton are known, they can be effectively enforced. I therefore specifically wish to draw the attention of Honourable Members to the Plant Diseases and Pests Ordinance which is one of the bills which has been placed before you at this Session of the Council. A permanent Cocoa Research Institute has now been established at Tafo on the Gold Coast and an experienced team of scientists have been assembled there. We shall therefore have to take steps to see that full use is made of the results of their researches, and the organization which has been built up for the purpose of carrying out the survey will almost certainly develop into an organization for assisting cocoa farmers in such matters as the control of disease.

During the year the Agricultural Engineer has visited Southern Rhodesia and South Africa to study the methods adopted there to combat soil erosion, and an Agricultural Officer accompanied by an African Assistant Agricultural Officer is visiting the Sudan, Egypt and Palestine to study the agriculture of these countries. One African Agricultural Officer and six African Assistant Agricultural Officers have been sent to the Imperial College of Tropical Agriculture, Trinidad. One of the most important future developments envisaged by the Agricultural Department is a new Agricultural College which will take its students up to degree standard and so enable them to be trained locally for the post of Agricultural Officer. New school buildings for Samaru are also envisaged.

The Farm School at Oyo is still in the experimental stage. It received a good deal of publicity as a result of the Chiefs' Conference and there is little doubt that many of the Chiefs considered it to be a sound idea. But experience has shown that parents are not yet convinced that there is any need to send their sons to school to learn farming, and the boys themselves undoubtedly hope that the training which they receive will lead to a salaried post under the Government. It has therefore been difficult to recruit suitable boys who really wish to learn better farming methods.

The Agricultural Department was relieved of all responsibility for work in connection with fisheries as from 1st January, 1945. This work has for the present been taken over by the Development Branch of the Secretariat. The department has for the time being, however, assumed responsibility for the development of irrigation and arrangements are being made for the recruitment of irrigation engineers. These will be appointed to the Public Works Department and seconded to the Agricultural Department.

During 1945 the Agricultural Department will be mainly concerned with keeping going the lines of work on which it is already engaged and as I stated last year it is unlikely that there will be any spectacular developments until more staff can be provided. A new ten-year-plan for the expansion of the department and the development of Nigerian Agriculture has been drawn up and will be proceeded with as and when staff becomes available.

LOCUSTS

Swarms of the Desert Locusts were numerous in April, May, and early June. A motorised anti-locust unit was established at Kano and kept in readiness until 15th October, when the danger of a hopper outbreak had passed. The African Migratory Locust became active in March, 1944, in its outbreak area in French Sudan; the permanent control organization in that region destroyed the congregating hoppers and there is no danger of another outbreak developing before next March.

Local Foodstuffs and Supplies

Exports of Palm Oil and Kernels have shown a slight increase over 1943. The production of groundnuts during the 1943-44 was considerably higher than in 1942-43. Indications are that the 1944-45 crop, while considerably larger than that of 1942-43, will not be as good as 1943-44. The decrease is entirely due to unfavourable weather conditions during the growing season.

The 1944-45 cocoa crop is not expected to exceed that of 1943-44, which was disappointing. The effects of the substantial price increases introduced this season are not yet fully apparent.

Local Foodstuffs.—Production has been well maintained throughout the year. Civilian, Military and Minesfield demands have all been met. The introduction of a system of grain reserves held by Native

Administrations has been effective in stabilizing prices in the Northern Provinces. The Lagos Market Scheme has continued to have a beneficial effect upon the Cost of Living Index in Lagos and elsewhere. An increase in the production of rice and a decre ase in Military requirements have eradicated most of the distributional difficulties experienced last year. Fluctuations in production and prices of *gari* have led to difficulties in distribution of this commodity.

The United Africa Company has considerably developed the biltong industry. Their factory at Kano has been enlarged and a new factory has been opened at Sokoto. The bulk of the output is taken up by the Army.

Imported Foodstuffs.—The system of programming our requirements and the allocations of quotas by the Ministry of Supply on various countries has worked well. Wines and spirits from South Africa and beer from the Congo were in short supply during the early part of the year but additional releases during the second half of the year retrieved the situation. The salt position has had to be watched carefully and sales restricted to a certain extent, but we have avoided the crisis of 1943.

Internal Distribution of Merchandise.—The distribution of merchandise so as to provide the greatest benefit to the war effort, has worked fairly smoothly with the exception of bicycles, spare parts, tyres and tubes which have been in very short supply. Supplies of cement, corrugated iron and kerosene have all increased and no special method of distribution has been necessary. Agricultural machinery has been distributed in accordance with the recommendations of the Director of Agriculture. Measures taken to increase the local production of soap have been successful and allocations for both internal distribution and export have been increased.

Price Control.—This has continued on the same lines as in 1943 but with increased experience it has become considerably more effective. Every effort has been made to keep down the price of essentials. An agreement between Government and the larger importers whereby Government waived the duty on flour and sugar and the firms waived their profit on flour, sugar and milk, has resulted in a considerable decrease in the price of these commodities to the consumer.

Imported Supplies other than Foodstuffs.—The position generally is the same as last year. Special war-time supply procedures of bulking and programming are still in force but working more smoothly and with less delay as a result of greater experience both here and in the United Kingdom and United States of America. Government Bulk Purchasing gave way to normal commercial channels wherever possible.

Prospects for 1945.—Production of all Nigeria's staple commodities, including those both for export and for local use, must be maintained and if possible increased next year. The liberation of a great part of German occupied territory has brought with it tremendous problems of supply and this has enhanced the already great importance of Nigeria's war effort.

There are indications that production difficulties in the United Kingdom and the United States of America are easing. There is every reason to believe that all types of imported supplies will be maintained at existing levels in the current year and that we shall continue to enjoy our privileged position in this respect.

Veterinary

In spite of the increased and additional activities of the Veterinary Department imposed by war conditions, the essential work of disease control has in no way been neglected.

Indeed it is possible to record that during 1944 a greater number of cattle than ever before was immunized against rinderpest and the other major cattle epizootics.

The control of rinderpest was as usual the main activity of the department and during the year, 778,962 cattle were vaccinated against this disease. Few outbreaks were reported and these were of local significance only and were attended by a relatively small mortality.

The new method of immunization by attenuated goat virus, mentioned in last year's address, was employed universally throughout 1944. The success that has attended this new method has brought appreciably nearer the ultimate goal of our long anti-rinderpest campaign, viz., the total eradication of this disease from Nigeria.

The stage is now set for a final drive against rinderpest but to be of lasting effect it is essential that a similar drive be undertaken simultaneously in all territories bordering on this country. It would be of little use to eradicate rinderpest from Nigeria if it was still allowed to simmer in neighbouring territories from which the danger of its reintroduction would always be present.

International agreement for concerted action against rinderpest along the lines now employed in Nigeria is necessary for the complete eradication of this disease from all or any of the territories in this part of Africa.

Individual measures are not sufficient, a concerted campaign in all territories where the disease exists is essential.

Besides the control of rinderpest the other major cattle epizootics received attention and during the year 779,364 cattle were vaccinated against blackquarter, 433,367 against contagious bovine pleuropneumonia, 287,385 against anthrax and 11,337 against haemorrhagic septicaemia—a total of 2,300,000 inoculations.

In addition, 13,326 cattle received treatment for trypanosomiasis and 3,955 cattle, sheep and goats were treated for helminthiasis.

LABORATORY

In spite of an acute shortage of staff and equipment some 3,052,776 doses of various vaccines and sera were produced at the Vom Laboratory during the year. These included anthrax, blackquarter, haemorrhagic septicaemia, contagious bovine pleuro-pneumonia, contagious caprine pleuro-pneumonia, contagious abortion, and calf paratyphoid vaccines and also vaccines for the more common diseases of fowls such as fowl typhoid, fowl cholera and fowl pox.

The calf paratyphoid vaccine is new and it is hoped that it will • reduce considerably the mortality amongst calves kept under stock farm conditions.

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A new vaccine against contagious abortion of cattle was also issued during the year. This disease appears to be on the increase in Nigeria and it is hoped that this vaccine will keep it in check.

During the year a new method of controlling contagious bovine pleuro-pneumonia was introduced. In recent years, the increased incidence of contagious bovine pleuro-pneumonia has become a matter of serious concern and the necessity for further detailed research into all aspects of this disease is now most necessary.

It is too soon yet to comment on the success or otherwise of the new method of immunization introduced this year. Routine work included the examination of 3,208 pathological specimens.

RESEARCH

A considerable amount of Research work was carried out in connection with the use of dried goat attenuated virus as an immunizing agent against rinderpest.

Standard methods of preparation and use were evolved and the results obtained so far have been excellent.

The life history of bunostomum phlebotomum (cattle hookworm) was completed during the year by the Veterinary Research Officer. This was not previously known and as helminthiasis (round worm infection) is of the greatest economic importance in the development of the animal industry and as the knowledge of the life history of such a parasite is necessary before effective methods to deal with it can be evolved, this fundamental research is of the utmost value.

Experiments were carried out to estimate the efficacy of a large number of anthelmintics and the results have indicated the methods which are most likely to achieve success under field conditions.

Work was continued on the chemotherapy of trypanosomiasis a most important disease of cattle. The new drug—phenanthridinium chloride—gave promising results in the treatment of trypanosomiasis.

Diseases of nutritional origin amongst pigs were investigated and mineral and vitamin deficiencies were found to be the principal factors involved. Methods of control were introduced with success.

VETERINARY EDUCATION

In spite of shortage of staff, the Vom school was able to conduct classes for Assistant Veterinary Officers, and for Senior and Junior Veterinary Assistants.

When the second session commenced in November there was a total of thirty-nine students in attendance. These included three attending the Assistant Veterinary Officer Course, fifteen attending the Senior Veterinary Assistant Course and twenty-one attending the Junior Veterinary Assistant Course.

Four Senior Veterinary Assistants passed out from the school during the year. These have now assumed duty with the department and their work and conduct in the field have been very satisfactory and have afforded ample proof of the value of their training. They are an example of the important part these Vom school graduates are going to play in the future in the welfare of the livestock of the country. It is anticipated that the school buildings and students' quarters will be finished completely and all furniture and fittings installed in 1945.

Facilities will then be available for a comprehensive and thorough training for the students directed to fit them particularly for work in Nigeria.

A full prospectus of the school was prepared and has been circulated widely and an indenture for signature by prospective students was drawn up and approved by Government.

An Ordinance entitled "the Veterinary Practitioners' Ordinance" has also been prepared and submitted for approval. This latter Ordinance provides for the appointment of a Veterinary Council to control the activities of the profession in Nigeria and for the appointment of an executive board for the Veterinary School.

LIVESTOCK DEVELOPMENT AND INDUSTRIES IN ANIMAL

PRODUCTS

		lb.			-	lb.
Fresh Butter	:	220,780	Cheese			84,080
Clarified Butter	Fat	24,650	Pork			31,180
Bacon		68,200	Beef			4,850
The total am	ount realiz	red from th	e sale of	these r	rodu	oto man

The total amount realized from the sale of these products was approximately $\pounds 30,000$.

In connection with the manufacture of butter, cheese, and clarified butter fat, 653,080 gallons of milk were purchased from the Fulani at a cost of $f_{10},637$.

The creation of stable and remunerative markets for animal products is a primary essential to the development of a livestock industry and by supplying these markets the Food Production Schemes are proving of very great value. They are providing a much needed incentive for the adoption by the stock owner of improved methods of animal husbandry.

STAFF

Staff difficulties have been acute during the year. It was not possible to fill all the vacancies that exist for Veterinary Officers in both the field and education staff and the transfer of experienced officers to other colonies aggravated the situation. The new Veterinary School could not have functioned at all if it had not been for the great help given by the Veterinary Pathologist, Senior Veterinary Research Officer and the Yeterinary Research Officer. Each undertook teaching duties at the school in addition to his normal work.

Close contact and collaboration between the staffs of the school and the laboratory will be of mutual benefit to both and will be of great advantage to both teaching and research especially if the recommendation to make Vom the Central Veterinary Research Institute for the whole of West Africa is approved.

The many disease problems awaiting solution and which are to-day causing grave losses to the livestock industry would receive the attention they deserve by a team of competent research workers if the latter proposal was put into effect.

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It is unlikely that vacancies for Veterinary Education and Field Officers will be filled until after the war. In the meantime, temporary assistance is being provided at the school by the appointment of two female qualified Veterinary Officers.

Medical

By the end of 1944, there were six medical officers and one sanitary superintendent from the Nigerian Medical Department still serving with His Majesty's Forces. One of our medical officers died while serving with the Army. Another promising medical officer died soon after leaving the Army under tragic circumstances. Only one medical station had to remain without a medical officer during the year but the staff of medical officers of health is still short of the approved establishment by nearly 40 per cent

The employment of selected labour for tin production on the Plateau minesfields ceased with the first quarter of the year. The new hospital at Barakin Ladi, about thirty miles from Jos, has been completed and is in full use and the many field posts established at the time of the introduction of selected labour in 1942-43 continue to be much utilized both by the local population and the mining employees. A fire destroyed two wards and some other buildings in the hospital at Kafanchan which serves the tinfields and population of the Southern Plateau Division, but these are being replaced.

Work has started on the very much needed new hospital at Victoria.

Co-operation between the Civil Medical Department and the medical and other units of the Fighting Services has continued to mutual advantage. A good instance of this co-operation is the work of the Army Malariologists working with the N.C.O.'s of the R.A.F. and labour paid out of civil funds in the construction of malaria drainage for the protection of the air and sea port of Lagos and of other airports under the general directions of the Nigeria Area, Malaria Board.

A considerable proportion of health staff concentrated on performing vaccinations against smallpox but epidemics of this disease have again been too common during the year. The provinces showing highest incidence were Plateau, Benue, Owerri, Bornu, Ondo, Bauchi, Onitsha, Ogoja, Oyo, Sokoto, Benin, Calabar, Katsina and Kano. The Lymph Production Institute was very severely taxed to meet the unusual demands for vaccine, partly owing to unexpectedly large demands from the services and from other territories, but by the end of the year stocks had been fully replenished and a good reserve has now been built up to meet future emergencies.

Outbreaks of cerebro-spinal fever were again severe, affecting most provinces and being of heaviest incidence (100 cases or over) in the provinces of Benue (1,394), Owerri (1,356), Plateau (1,241), Zaria (699), Katsina (609), Onitsha (551), Niger (483), Ogoja (408), and Kano (289). The figures show incidence up to the 2nd December. Quick control has generally been achieved as soon as treatment centres were organized in the affected areas. To help with this control, a number of trainees from the Kano School of Hygiene were drafted as an emergency measure to provide mobile epidemic staff and they were sent out to help deal with cerebro-spinal fever outbreaks. The result justified the lines of training that are being followed.

A very widespread outbreak of infective jaundice was discovered on the banks of the Cross River during August and the staff of the Yellow Fever Research Institute proceeded immediately to the affected districts to exclude the possibility of the disease being yellow fever. Their investigations and those of our own medical staff revealed that the disease had been occurring for some months with some fatalities and in some cases disabling consequences. The disease was proved not to be yellow fever but a sample testing of the blood of 100 inhabitants of the area proved conclusively that yellow fever had occurred in these regions as recently as 1931. A medical officer of health has now been posted to travel in the area to follow up the investigation.

During the year, the Yellow Fever Research Institute undertook the storage, testing and supply of yellow fever vaccine to all West African colonies. Meanwhile, in preparation for development of investigations an adequate colony of white mice has been built up and the laboratory buildings have been extended, including the installation of cold storage facilities. By the end of the year, the Institute was fully organised to deal expeditiously with all specimens of blood sera or yellow fever vaccine sent in for testing from the four British West African territories. Steps have been taken to post several members of the Nigerian Medical Service to work on the staff of the Institute. During the year 150 titrations (potency tests) of vaccine have been done, and 88,000 doses distributed for military and civil use; 325 protection tests have been carried out; the mouse colony has been built up to a population of 12,000 and useful research on the keeping qualities of vaccine undertaken.

It is regretted that lack of staff and equipment, both on order, has precluded application of the Venereal Diseases Ordinance.

The scheme, referred to in my last address, for the further development of leprosy prevention and treatment has been approved by the Authorities in London and a grant of $\pounds 258,000$ to be spent over five years has been made towards this scheme from the Colonial Development and Welfare Fund.

As a temporary measure for dealing with discharged soldier lunatics, structural alterations have been made to an existing set of buildings at Abeokuta which will now be capable of accommodating up to seventyfour lunatics. Steps have, meantime, been taken towards the building of a modern mental hospital at Ibadan on a site ample enough eventually to accommodate up to 1,000 inmates. Sufficient buildings for 200 are to be built during the coming year.

For the treatment of discharged soldier lepers, arrangements have been made to admit the cases into the existing provincial settlements where they will be subsisted at Government expense.

As an emergency measure to deal with chronic invalids discharged from the Army, certain Government buildings at Kaduna are being converted into a temporary hospital and additional wards are being constructed in eight existing Government hospitals elsewhere. Tr . 5, 1945]

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Adjoining the military hospital at Yaba, construction has proceeded rapidly for an adequate rehabilitation centre with facilities for orthopaedic surgery, physio-terapeutic and occupational therapy and the fitting of artificial limbs. Though intended for dealing in the first instance with those discharged from the army, the rehabilitation facilities now being provided should in due course prove a most valuable addition to the treatment facilities available for civil cases of bone and joint disease and injuries and in restoring to these cases the greatest degree of useful function. A development of the occupational therapy section of the hospital will later be the training of persons with permanent disabilities to undertake certain handicrafts and manual industries which are within their capacity.

Preliminary plans have been prepared for the development of the health services of the country. A significant and the most costly part of this programme is the expansion of the hospital services, the aim being to raise the proportion of hospital beds from one bed for four thousand of the population to about one for each two thousand of the population. The proposals entail the establishment or development of a fully equipped and fully staffed hospital in each province supplemented by a number of smaller rural hospitals in outlying districts of the province, each rural hospital in turn being central to and responsible for a group of health centres which will provide facilities for minor treatment of disease, domiciliary midwifery, infant welfare services and the supervision of the health of school children. Provision will be made for the ambulance transport of sick from the outlying institutions to the central institution and for the transport of visiting medical officers.

The development of the programme depends primarily upon the availability of qualified staff, the supply of the necessary technical equipment and the availability of engineering staff and materials for the programme of building construction. There will be required an expansion of facilities for the departmental training of technical staff of all types—nurses, midwives and health personnel. The arrangements for training of doctors will be based on the recommendations of the Committee on Higher Education in West Africa.

As a further supplement to the hospital organization outlined above, provision will be made for mobile teams for the control of endemic diseases by means of mass treatment and health education and, when required, the control of epidemic disease on its appearance in a province.

The programme of development also makes provision for the institutional treatment of tuberculosis and the establishment of hospitals for the treatment of mental disease. Provision has already been made in the current estimates of Government for the appointment of specialists in malaria, tuberculosis and venereal diseases control and in the forthcoming estimates for staff to undertake a nutrition survey. It has not, however, been possible owing to the exigencies of the world war to fill these vacant posts.

The preliminary steps are in hand for the initiation of the scheme for the control and treatment of leprosy in selected provinces for which approval has been received and assistance provided from the Colonial Development and Welfare Fund Proposals have been put forward and are under consideration by the Colonial Research Committee for further research into the control of trypanosomiasis and sleeping sickness.

The Yellow Fever Research Institute established by the Rockefeller Foundation in Lagos has completed its preliminary organization of staff and its laboratories, and will be in a position during the year to undertake field investigations into the origins of yellow fever in West Africa and the identification of the source from which infection is transmitted by mosquitoes to man.

This programme of expansion of health services will in itself not achieve permanent improvement of the general health of the people unless it is based on a sure foundation of environmental hygiene. Scavenging, refuse disposal, the prevention of nuisances, the construction and cleanly maintenance of public and private latrines, the cleanliness of the home, the compound and the village streets, and the protection and proper use of safe water supplies which the Government has plans to provide. The sanitary services to which reference is made are the elements of local self-government and any community, however small and circumscribed, which does not by its own local committee or local authority maintain these services has little claim to enjoy the benefits of a dispensary or a hospital whose work will be largely a waste of effort and money if they heal the sick only to return them to the insanitary conditions which were the cause of their disease.

Chemistry Department

Customs			140		
Medical and Health			170		
Health (bacteriological) .			460		
Public Works and Health :					
Water samples-bacteriolo	ogical		2,942		
chemic			50		
Public Works			75		
Criminal Cases Police and Administrative 220					
Railway			39		
Miscellaneous			352		
Tota	1		4,448		

The work of the department during 1944 has been similar to that in previous years. Investigations, analyses and advice have been carried out for or given to Government Departments, the Armed Forces, the Merchant Navy and to a lesser extent commercial firms and individuals. For the Navy and Merchant Service, ships' tanks were examined for the presence of inflammable and other dangerous vapours, oils and coal tested and general supplies, not excluding rum, analyzed. The work for the R.A.F. consisted chiefly of water testing, while that for the Military Forces included the examination of stores and rations. A

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certain number of toxicological analyses were made for the services and these included preparations which might have been used by malingerers. Advice has been given to firms and individuals on local industries, seawater damage and water for domestic and industrial use.

The daily bacteriological tests of the water supplied in Lagos gave satisfactory results throughout the year. Other pipe borne supplies were not always quite so satisfactory. Chemical treatment and filtration of water at the new works at Ibadan is now in action and with experience in operating the rather complicated plant, which has to deal with water of rapidly changing characteristics, water of very good quality will be delivered.

Toxicological Work.—The poisons detected in viscera were bizmuth, barbiturate, sulphonamide, datura (Thorn apple), arsenic and caustic soda. Strophanthin was present in the preparation on a poisoned arrow. A man was overcome by foul air in a well and a high concentration of carbon dioxide was found. In the case of a septic tank carbon dioxide, sulphuretted hydrogen and methane were detected. A liquid alleged to be used as eye drops consisted of a strong solution of sulphuric acid in water, probably accumulator acid. Experiments were carried out by Mr Southall to determine what danger there is in using terne plate cigarette tins as measures for foodstuffs. It was found that dry substances were not affected but that salt, which is moist in Southern Nigeria, took up a certain amount of lead if left in the tin for a few days. The suggestion was made that terne plate tins should not be used for the storage of salt, water and palm-oil.

General.—Complaints that tins of lobster from South Africa contained fragments of broken glass were received. Actually gritty crystals of magnesium ammonium phosphate up to one quarter of an inch in length were present. These had apparently been formed after the tins were sealed. Magnesium ammonium phosphate is not injurious to health. There was no obvious decomposition of the shell-fish. A statement has since been received from Mr Neal M. Carter, Director, Pacific Fisheries Experimental Station, Prince Rupert, British Columbia, that such crystals sometimes appear in canned salmon and that they are harmless. The chemical substances capable of forming magnesium ammonium phosphate are present in the bodies of fishes, animals and man but it is only under certain conditions that these substances unite in that way. This statement was made to protect the salmon canning industry of British Columbia. Apparently the presence of magnesium ammonium phosphate crystals in canned fish casts no reflection on the manufacturers but it is unlikely that consumers will willingly eat such fish. A sample alleged to be gold was found to be an alloy of copper and silver. Hairs on the wing of a lorry were identified as those of an African. A specimen of locally made gun-powder was of very poor quality. Samples of petrol were classified by boiling range.

Education

The Commission on Higher Education for West Africa, appointed by the Secretary of State at the request of the Governors' Conference, left the territory shortly after the last Session of this Council. During the limited time at their disposal, members of the Commission were able to gain some insight into the wide variety of custom and tradition of Nigeria's component parts and the unevenness in local development which that variety reflects. Their recommendations are still awaited. During the latter part of 1944 a great deal of miscellaneous information was collated by the department and transmitted to the United Kingdom at the Commission's request.

The release of some members of the department from the Forces and from other special duties has been offset by retirements and invalidings. The staff position remains precarious and several provinces continue to be left without an Education Officer. The Secretary of State has been requested to appoint, on short term contract, a number of experienced, well qualified women with a view to alleviating the situation : it is hoped to post some, at least, of these women for administrative duties at the more important offices in order to release male Education Officers for provincial work. Educational institutions maintained by Government are in little better plight, and the general position has been aggravated by the departure of several of the abler members of the African staff to the United Kingdom for further training. In effect this implies a policy of reculer pour mieux sauter. No less than seven staff posts were vacant at the beginning of the financial year : the Secretary of State, however, has recently taken steps to fill these vacancies. Queen's College has contrived to carry on for the greater part of the year with temporary appointments. The appointment of a substantive Principal and, later, of a nucleus of permanent staff has improved the situation. The draft estimates include provision for a Woman Assistant Director of Education : the importance of such an appointment requires little emphasis.

There is a grievous shortage of competent teachers at all levels. Lack of efficient teachers has been the department's greatest weakness for many years and educational expansion generally depends on removing this weakness. Confronted as we are with urgent needs, it will be necessary to put a severe strain on one part of the educational machine while taking care that this strain is not so great as to cause a general breakdown. The secondary schools are best able to take this strain but on one indispensable condition that they have a considerable increase in their European staff. The immediate necessity is not so much to extend the quantity of secondary education as to improve its quality. There is much good human material in the secondary schools ; their weakness lies in their inadequate staffs. Given good staffs, they should be able to provide young men for higher education in sufficient numbers to make general development reasonably rapid. While the application of a sudden and violent stimulus to the secondary schools may involve the temporary neglect of primary education, which in itself requires a massive development, it need not preclude the wide dissemination of a rude elementary education among the masses. Indeed, a spread of rudimentary education, even if this extends only to modest literacy in the vernacular, is necessary to ensure a receptive public for developmental projects. When we speak of neglecting

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primary schools we mean the neglect of regularly constituted schools with properly trained staffs. These must await the teachers which it is the business of the secondary schools and the training centres to produce. Thus, the secondary schools will occupy a key position during the next decade; not only must they produce the human material for the teachers' training centres but they are needed as sources of supply for a greatly increased number of Africans capable of benefiting by a broad post-secondary education if the urgent needs of *all* departments are to be met. Initial steps are being taken to deal with this problem.

The implications of Colonial No. 186-Mass Education in African Society-are being actively examined. The term "Mass Education " is no doubt misleading to those who have had no opportunity of studying the White Paper and may conjure up in the popular mind a vision of schooling for all. The increased rate of social change has compelled attention to two relatively new functions of adult education, namely, the re-education of older people and needs arising from the fact that much of the knowledge and insight required for successful living in modern society cannot be firmly acquired until adult years are reached. The school is no substitute for the forces inducing social change : indeed the school only becomes an instrument for the propagation of change when the effective change has taken place in society through other means. Prima facie, therefore, there is an overwhelming case for a concentrated attack by the Welfare Departments on the adult and the concentration of this attack in selected areas. Acute staff shortage precludes the possibility of doing anything on a large scale in the meantime, but in several areas much has been done by propaganda and survey work to prepare the way, and interesting experiments are already in progress notably in Ibadan, in the Udi District of Onitsha Province and in the Anchau Sleeping Sickness Corridor.

The paucity of suitable literature in the dominant vernaculars is a matter which has received careful attention. Plans have been approved for a large extension of the Literature Bureau at Zaria, and it is hoped that this will result, amongst other things, in a greatly increased output of literature at an early date. Agreement on language and orthography in many areas is a pre-requisite to the development of lesson material and to an increased supply of literature for whole language areas. This aspect has been exhaustively reviewed at a series of conferences in the Ibo Provinces and a welcome measure of agreement reached, particularly in regard to the question of orthography. The award of a number of linguistic studentships tenable at the School of Oriental and African Studies is also likely to have beneficial results while the Department has recently had the advantage of Miss Margaret Wrong's expert advice on the production of literature.

A conference of Education Officers at Enugu was followed closely in November, 1944, by a meeting of the Board of Education for the Colony and Southern Provinces. A wide variety of subjects was discussed. The Board's major recommendations are concerned with Local Education Committees, the grants-in-aid system and the re-organization of the Board. A number of local Education Committees have emerged.

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particularly in the Western Provinces, with a welcome degree of spontaneity. They have already proved their worth in bringing together, for common discussion and concerted effort, men and women who are interested in educational progress. Hitherto they have dealt with such matters as the location, opening and closing of schools, the provision of playing fields, the supply of school meals and kindred matters. Although not possessing executive authority their advice and suggestions have proved effective, and it is hoped that they will receive statutory recognition while preserving as much flexibility as may be compatible with official status. In the matter of grants-in-aid much thought has been devoted to ways and means of simplifying the existing complicated system. A great deal has been done in recent years to improve the lot of the teaching profession but very little for the schools themselves. On the other hand, it cannot fairly be argued that money spent on teachers' salaries has not been spent on education. Certificated teachers in Nigeria are indeed more highly paid, in relation to the average man, than in the United Kingdom. This, however, is the case with the professional class generally and any project of reform must deal with the professions as a whole and not with one particular profession. The effect of the departmental reforms, which it is hoped to put into effect during the coming financial year, will be the utilization of the grants-in-aid vote for the diffusion of assistance on a more extensive scale than hitherto and the disbursement of such additional funds as may be voted on the needy rural schools rather than on the wealthier urban schools. As to the proposed re-organization of the Board, it is agreed on all sides that the existing Southern Provinces and Colony Board is excessively unwieldy. Moreover, the present administrative boundary between the Northern and Southern Provinces is quite arbitrary from the educational point of view and the number of common problems is increasing. It is desirable that there should be regional Boards for the Northern, Eastern and Western Provinces, and that these should report their proceedings to a small Central Board. It is hoped also that the meetings of the Central Board will be held in rotation at each of the protectorate capitals. Such a procedure will be of considerable psychological value.

The need for a drive on the female educational front is even more pressing than in the case of the men. In the Southern Provinces developments in various directions point to the need for an extension of the scope of the proposed Government Training Colleges to include not only the preparation of girls as teachers of domestic subjects but also as teachers of infants and of junior children. There is an insistent demand for trained teachers of domestic science in Government and native administration centres. Several of these have already been opened and it is intended to establish more. The difficulty of obtaining suitably qualified teachers is aggravated by the fact that colleges conducted by the voluntary agencies are full to overflowing and, moreover, the societies cannot train enough teachers to meet their ownneeds. As regards infant and primary women teachers, trained women are sought not only by Government or native administration schools but by the smaller missions whose candidates cannot be admitted

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to colleges conducted by the larger societies and who cannot afford to establish colleges of their own. In addition, the more reputable private schools find great difficulty in obtaining women teachers : nor have they any Training College to which they can send candidates. In the Northern Provinces existing girls' schools labour under the handicap of being situated in a region that is strongly conservative and serving in the main a class that clings tenaciously to the practice of Purdah. Thus, numbers are low, girls return to reactionary surroundings when they leave school and the provision of women teachers is difficult. They are, however, favourable omens : even in the ultra-conservative areas evidence of a more liberal attitude towards women is already apparent. It is proposed within the next few years to establish five women's training centres to meet regional needs. The backward state of women in the Cameroons Province has been a source of concern to Government and, as a first step, a grant has been made, on the recommendation of the Colonial Research Committee, to the International African Institute to finance a survey of the social and economic position of women in the province with particular reference to the Bamenda Division. Dr Phyllis Kaberry, a social anthropologist of considerable experience, has been invited to undertake this survey.

Technical, equally with general education is closely interlocked with general development. The whole question of technical education has been widely canvassed in recent months and plans are being worked out, on a ten-year basis, to meet the territory's needs in this direction, The main features of the plan are the erection of Industrial Craft Centres for the training of industrial apprentices, the provision of Handicraft Centres for the instruction of school children and the development of minor industries, and the establishment of Technical Colleges to provide the theoretical training of youths and men in industry and to provide for professional training. It is intended that the industrial craft centres should produce good quality craftsmen for European industries already established, notably the building and kindred trades. For children, the provision of Handicraft Centres will balance their general education and develop a critical sense of quality. These centres will, in general, have wood-working and metal working sections but it is proposed that they should also cater for any craft already established or any craft which is likely to prove successful in the particular area in which a centre is situated. They will also undertake continuation training of youths and men who have left school and have started work on one of the crafts taught in the centre. A survey of indigenous crafts is required and advantage will be taken of the research work to be undertaken by the West African Institute. The development of these centres will be largely determined by the supply of instructors and an early feature of the programme is provision for the training of these instructors. The Technical Institute will have, as its main object, the provision of full-time classes and part-time continuation classes in those subjects required by the industries of the country. It is proposed that the Institute should be sited near the workshops of an Industrial Crafts Centre so that the latter may be available for the

students' practical instruction. In general the object of these proposals is to combine aesthetics and utility and to train a body of artisan craftsmen and technicians who will become the creative backbone of Nigerian Society.

A scheme of education for West African Troops in the Middle East is being worked out by Education Officers seconded for that purpose, in co-operation with the Departments of Agriculture and Labour. Factors controlling the design of the scheme include the tribal composition of the troops, the trades and occupations pursued within the military organization, the existing educational standard, the time available for education, the availability of teaching staff and of teaching aids and materials. In general the troops may be classified into three groups, namely, those who can read and write with fair fluency in English, those who can speak simple English and read and write in the vernacular and those who cannot speak simple English and cannot read and write in one language. Syllabuses are being prepared to meet the needs of each of these groups.

The schools continue to play their part in the war effort. In many areas in the Southern Provinces pupils have contributed appreciably to the Production Drive. Similarly, in the Northern Provinces, the schools participate actively in the groundnut campaign.

The difficulties created by the commandeering of school buildings by the Service authorities are gradually being resolved. It is hoped that Ibadan Government College and the Higher College, Yaba, will soon return to their original homes. The latter institution—perhaps the most unfortunate of those concerned—is now approaching the end of its peregrinations : frequent staff changes coupled with the nomadic life of the college have inevitably brought about an instability in the academic work. The alternative accommodation provided for King's College is giving satisfaction.

Provincial Development Committees have discussed in general terms possible lines of development and in some cases have formulated definite educational proposals. These have been the subject of departmental examination and where, as in the Cameroons Provinces, developmental machinery has been brought into operation more quickly than elsewhere, educational planning in some detail has been undertaken at the provincial level. Concurrently, a highly arbitrary plan, conceived in general terms, has been prepared in order to arrive at an approximation of the cost involved, if the Territory's reasonable educational needs are to be met. This plan is thought to provide a rough notion of average costs on the basis of current wages and prices. The very high cost of building in Nigeria is a serious menace to development in several It departments and particularly so for the Department of Education. is to be hoped that a cheaper way of efficient building will be discovered in the near future : ultimately, the creation of a class of skilled artizan craftsmen as contemplated in the proposals for the development of technical education should bring about the desired objective.

To combat the problems already reviewed, it is proposed during the coming financial year to make provision to include permanent buildings

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for a Higher Elementary Training Centre at Kumba, the erection of one Elementary Training Centre for men at Bambili in the Bamenda Division, a second in Zaria Province to serve the North Western Group of the Northern Provinces and a third at Abraka in the Warri Province ; of a multilateral Women's Training Centre near Enugu to serve the Eastern Provinces and of another Women's Centre on a less ambitious scale to serve the Central area of the Northern Provinces ; of a permanent Domestic Science Centre in Lagos, the establishment of two secondary schools, one near Zaria for the north-western group of the Northern Provinces and the other, near Ughelli, to serve the Warri Province ; and finally the extension of the Literature Bureau at Zaria.

Land and Survey

LAND BRANCH

There has been a reduction compared with previous years in the number of transactions in land dealt with by the Land Branch of the Land and Survey Department. This has been chiefly caused by the fact that practically the whole of the Yaba Estate has already been disposed of except for a very considerable number of plots which are occupied by the army. In Ikoyi also there is a great shortage of plots available for leasing which, in this case, is caused by the difficulty in obtaining material for constructing new roads.

During the eight months ending the 30th of November, 1944, thirty-three Crown leases were issued, the freeholds of fifty-two plots were sold and six rent purchase agreements were entered into for lands in the Colony. For lands in the Southern Provinces forty-three instruments affecting lands subject to the Native Lands Acquisition Ordinance, twelve instruments affecting lands subject to the Crown Lands Ordinance, five instruments affecting lands subject to the Land and Native Rights Ordinance and seventeen mining leases were dealt with.

During the same period in the Lagos Land Registry eighty-nine freehold and four leasehold first registrations and 188 various transactions affecting registered land were dealt with under the Registration of Titles Ordinance. 1,118 instruments affecting land in the Colony and 507 affecting land in the Southern Provinces were registered under the Land Registration Ordinance.

SURVEY BRANCH

The serious shortage of surveyors, European and African, still continues. At no time within the period under review was any European surveyor available for duty in the field. A very serious situation is arising from the scarcity of recruits to the staff of African surveyors. Discussions have been held with the Director of Education with a view to enrolling larger classes of survey students at the Higher College.

Detailed topographical surveys to provide closely contoured maps of the swamp areas south of Badagri Creek to be used for the planning and construction of anti-malarial drainage were completed. 'A similar survey and map has been completed of the area between Five Cowrie Creek and Victoria Beach. 101 mining areas were surveyed by Government surveyors and in addition the computations and plans of 131 are as surveyed by licensed surveyors were checked and the deed plans prepared.

Surveys of lands to be acquired by Government for the Ikeja and Enugu aerodromes have been completed. Residential layouts have also been demarcated and surveyed at Enugu during the year. A large extension of the 200 feet to 1 inch survey of Jos is at present being made.

106 miles of precise levels have been completed along the Eastern Railway. A fundamental benchmark has been established at Enugu. The levels which have been run along the Eastern Railway from the north have now reached to within 106 miles of the coast at Port Harcourt.

DRAWING OFFICES

In the Lagos drawing office the following work was completed :---

- (a) A new edition of the 1:1,000,000 map of Nigeria in four sheets.
- (b) A revised edition of the fifteen sheets of the 1:500,000 map of Nigeria is in hand and seven sheets have already been completed.
- (c) Thirteen sheets of the revised eighty-eight feet to 1 inch map of Lagos have been completed during the year.
- (d) The drawing of the Lagos Standard sheet, scale 1:125,000, compiled from the recent revision survey has been completed. The printing will be undertaken early in 1945. This sheet will replace the earlier edition dated 1912. Two other standard sheets have been redrawn.
- (e) Other work included the preparation of 184 title deed plans, the colouring of 494 prints and maps and about 296 miscellaneous small jobs.

In the Jos drawing office the minesfield priority sheets were kept up to date and 291 title deed plans were prepared.

LITHOGRAPHIC SECTION

The following were the most important maps printed during the year :---

- (a) The new edition of the 1:1,000,000 map of Nigeria in four sheets with eleven printings to each sheet.
- (b) Fourteen sheets of the 88 feet to 1 inch map of Lagos.
- (c) Reprint of five of the 1:125,000 standard sheets.

623 requisitions by other departments for small numbers of prints were completed.

There was a big reduction of work for the military but 44,600 prints were supplied.

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The following table gives the total quantities of work done :---

NT	1 702
Number of plates prepared	 1,702
Finished printed copies	 135,278
Number of impressions	 282,210
Sunprints	 1,023
Flat mountings	 766
Pocket form mountings	 204

Programme of work for Financial Year 1945-46 and the future.

The present shortage of staff makes it impossible to undertake any extensive programme of work. All that can be hoped is that the department will be able to keep abreast of the necessary routine work such as the survey of mining areas and of any lands which Government decides to acquire and to carry out any urgent work required by Government.

It is very unlikely that the vacancies in the establishment of European surveyors can be filled with suitably trained men for several years after the war.

The position as regards the recruitment of African Survey Students is if anything even more serious. The number of students completing the combined course at the Higher College and the Survey School is not sufficient to replace the normal wastage. Since the Departmental Survey School was allied to the Higher College in 1935 there has never been a full class at the Survey School and only five surveyors have been appointed in the past nine years. The class of six students who started the course of the first two years at the Higher College in January 1944 is already reduced by resignations to two. Even if these two continue until they proceed to the Survey School in January 1946 it will mean that there will be a class of only two and it is most uneconomical to maintain a professional school with a highly paid instructor for only two students.

Forestry

Production continued to occupy a large part of the attention of the Forestry Department during 1944 but the changed war situation eased the pressure to a very considerable extent in the matter of local timber, fuel and pole supplies. The drive for wild rubber production gradually decreased in intensity with the approaching exhaustion of available resources, while the manufacture of railway sleepers for the relaying of the Minna to Jebba track has developed into a well-organized and smooth-running activity. In brief the year can be said to mark the end of the period when production of war supplies had to take precedence over all else and to mark the beginning of a period of reconstruction and preparation for post-war development, with war production losing none of its importance, but fitting in more with other departmental routine activities.

The impossibility of filling existing European staff vacancies, the loss of the temporarily seconded Malayan officers who, after 'accomplishing most valuable work, reverted to home service during the year, and the accumulation of officers who had done long tours and were due for leave, all combined to make the situation very difficult, but routine control was maintained satisfactorily, although large areas of the country had to be left unsupervised where war production was not important and where there was no immediate danger to be feared from forest destruction.

The year's production statistics are dealt with first. It must be realized that it is not possible so soon after the end of the year to produce accurate figures and many of them are only approximate. Wild rubber, decreasing as was expected, amounted to some 1,150 tons as against 2,333 tons in 1943. Timber production under departmental control amounted to 163,400 cubic feet for military use as against 335,858 cubic feet in 1943, a decrease which does not call for comment ; 193,200 cubic feet for the mines as against 40,924 cubic feet shown in 1943, an apparent increase which is due to the inclusion in 1944 of figures for timber supplied to the Enugu Colliery in addition to the Plateau tin mines; and 1,720,800 cubic feet for local consumption as against 2,038,592 in 1943. Fuel taken under forestry control amounted to 1,878,800 stacked cubic feet for military use, against 2,818,914 stacked cubic feet in 1943, an expected decrease; 1,112,100 stacked cubic feet for the mines against 2,447,771 stacked cubic feet in 1943, a large decrease which at present cannot be explained, and 5,850,000 stacked cubic feet for local consumption against 5,644,000 stacked cubic feet in 1943. It is probable that in addition to this some 2,000,000,000 stacked cubic feet are taken free, without forestry control and therefore record, by the people of Nigeria each year.

Departmental production of railway sleepers, almost entirely for the relaying of the Jebba to Minna line, was concentrated in the Ondo and Ife forests, a more efficient method of production and one requiring less supervision than the dispersed working of the previous year. The volume actually accepted was 187,156 cubic feet as against 91,560 in 1943. The percentage of the gross total cut which had to be rejected was 14 per cent, the high figure being due to the fact that the Nigerian Railway specifications allow smaller tolerances than would be allowed by a railway company in the United Kingdom. It is only with the greatest care that pit-sawing, with its inevitable inaccuracy, can maintain such a high standard. By December, 1944, output had reached the target figure of 10,000 sleepers a month, which the Railway do not wish to be exceeded, since as many sleepers are now being received as can conveniently be handled by the Railway. Production, except where European supervision is concerned, is now financed entirely by the Nigerian Railway.

The Departmental Research Yard Sawmill has continued throughout the year to contribute most usefully to production, a task for which it was not designed nor intended but which has been made necessary by war conditions. The year's output was 18,000 cubic feet.

The Pilot Mill at Aponmu showed on a year's working to August 30th, 1944, a profit of \pounds 547 2s 8d. Against this must be set the loss of \pounds 883 13s 3d sustained on the first eighteen months working. The profits for the current year would have been much increased but for the fact that war conditions make it necessary that departmental transport

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should be used instead of the commercial transport which would be employed in normal times. This departmental transport cannot be allowed to compete with existing commercial transport and has not therefore sufficient employment to cover its high overheads. The Mill is now strictly held to intensive working of definite coupes, in order that exploitation may be linked with regeneration. The proportion of known high grade timbers to that of unknown and lower grade timbers will be, therefore, much lower than would be obtained by selective felling. Local markets have been readily found for all lower grade timbers but these cannot be firmly established until the timbers have been thoroughly tested and proved by the public. The Mill has accomplished much useful pioneer work and has now been managed by an African for some three months, with only occasional visits by the Forest Engineer. The output for the year was 92,000 cubic feet of sawn timber and present overall production costs are a fraction under 2s per cubic foot, but to obtain the desirable return on capital investment a certain increase of prices may now be required.

In addition to the produce enumerated, 2,753,000 cubic feet of timber, felled commercially under forestry control, was exported, almost entirely to meet the requirements of the Timber Control Board in Great Britain, compared with 2,818,914 cubic feet in 1943.

The departmental plantations, now nearing exhaustion from the very large military demands of previous years, produced only 208,300 poles against 467,569 in the previous year. The demand for shingles fell off, probably on account of the shortage of nails, and only some 23,000 were sold, against the 220,000 of 1943.

Minor produce obtained from the forests of Nigeria is in general taken free and is therefore difficult to estimate. Some 275 tons of gum arabic were exported, against 1,354 tons in the previous year. Large stocks which cannot be sold are held in the country owing to the present restricted demand for the commodity and great uneasiness is felt lest the situation causes injury to an industry which has only been built up after a number of years of research, instruction and propaganda. Some 27 tons of kapok were exported, the drop from 158 tons in 1943 being largely due to the unsuitability of the product owing to inadequate cleaning by the peasants who collect it. 2,557 tons of shea nuts were exported and there is record of the production of 17 tons of beeswax and 59,917 lb of wild honey. The vast quantities of canes, Borassus scantlings, raphia poles and bamboos taken free by the population, and the value of the forest browsing for goats and grazing for sheep and cattle cannot be estimated, but they certainly represent enormous quantities of essential materials contributed by the forests of this country.

The revenue received by Government was £38,800 as against £52,741 in 1943, the decrease being almost entirely due to the payment to native administrations managing their own forests of revenue previously paid to Government.

Native administration revenue showed a corresponding increase to $\pounds 59,500$ as against $\pounds 45,892$ in 1943 and the gross forest revenue of $\pounds 98,300$ shows little change from $\pounds 98,633$ in 1943.

The high revenue in comparison with pre-war figures is due to war demands. It does not result from a desirable intensification of forest exploitation, but from the overcutting with selective methods which cannot be avoided in a major war. This will require readjustment as soon as times become normal so that increased production of forest products may evolve economically as scientific management progresses. It must be remembered that the actual revenue gives only the smallest indication of the value of the forests, which include not only the heavy timber of the south, but the savannah woodland which covers the major part of the country and the importance of which to a peasant population cannot be overestimated.

Government expenditure was reduced, largely by restriction of activities due to European staff shortage, from £95,664 in 1943 to £86,000. Native administration expenditure was £40,600 and comparable with £40,138 in 1943.

The staff situation made progress in research almost negligible and the very necessary extension of the reserved forest estate of the country had also to yield precedence to the more immediate tasks of production and protection of existing reserves. Nevertheless it may be mentioned that 209 square miles were added to the reserved estate, 4,000 acres to communal forestry areas and 1,690 acres to the area of Taungya and other plantations.

In the matter of forest management there was a development of major importance during the year, concerning the control of the heavy export timber forests of Benin and Ondo. The point cannot be stressed too strongly that the forests of Nigeria, whether rain forest or savannah woodland, must be managed primarily for the benefit of the people. The first essential is to maintain in perpetuity a supply of forest produce of all kinds for the developing needs of the local population. In Benin and Ondo these supplies are assured by the existence of adequate secure reserves and the forests have a most important secondary value. Their exploitation for export provides employment of forest labour and revenue on a scale which does not permit neglect of this valuable complementary industry particularly in Benin where the native administration has advanced sufficiently in its co-operation with the Forestry Department to be entrusted with the financing of forest management and protection, and to receive all its profits. It will be realized that to ensure continuity of new crops under any form of systematic management the removal of the mature crop is the first essential. Up to the present the selective logging of a few well-known timbers has admittedly provided much employment and revenue but it has in no way assisted towards the production of new crops. Felling control by a minimum felling girth limit has been the first expedient as always in a new country, but the forests contain such an excessive proportion of overmature timber above the economic girth limit, that it is of limited use in Nigeria. Control by limiting the area of forest which may be felled each year, to an amount appropriate to the time taken by the forest crop to reach maturity, is therefore to be instituted and linked with active regeneration operation over the whole of that

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area each year. The object is ultimately to ensure rotational felling with a sustained annual yield in perpetuity.

The co-operation of the Benin Native Administration, which has signified its willingness to set aside a reserve fund to guarantee continuity of regeneration operations, is an important advance in native administration forestry co-operation and is most encouraging. Final technical details have not yet been worked out for consideration by the native administration, but the matter has so far progressed that the Forestry Department is very confident that it will be brought to a successful conclusion. From their inception, when the general outline was put to the native forest owners, the proposals have been fully discussed with the firms upon whose work these native administrations depend for their revenue. The change from selective felling over a wide area to intensive utilization of the forest over a small annual area is so drastic that it must inevitably place these firms in a difficult position and cause them some concern for their future working. It is therefore pleasing to record that they have given the fullest co-operation in discussion throughout and that good relations have been maintained between them and the department. They realize that selective logging for the export market alone must sooner or later come to an end and that something must be done to ensure a sustained annual yield with intensive exploitation for both local and export markets. The practical difficulties of such intensive exploitation are very great in these mixed tropical forests, but there is no choice but to overcome them. The largest European firm in Benin has suggested that the solution would be found in its case by the installation of a plywood mill. The manufacture in Nigeria of this product which the war has brought into such prominence, and to such a high degree of development, has the widest possibilities for the improvement of African living conditions and the project is welcomed by the Forest Department.

The Forestry School has continued to train men for the senior technical grade and its earlier results can now be assessed. It has proved difficult to obtain sufficient men of the required educational and intellectual standard who are at the same time willing and enthusiastic in the field work which has so few amenities, but is nevertheless so essential. The right type of man, however, has already proved of very great value in accomplishing those tasks which are beyond the capacity of the uniformed field staff and which hardly justify the time of a trained European forest officer who has supervisory duties over a wide area. The new grade, it is believed, has proved itself, and justifies the hope that in time a class of Africans will be created which is so essential to forest management in a developed country and which is at present unrepresented in Nigeria, namely the regional forest officer, educated, highly trained, and the social equal of the doctor and the lawyer, but at the same time a "bushman" in the best sense of the word.

Four Forest Assistants passed out of the school at the end of 1944.

The circulation of the departmental magazine Farm and Forest continues to increase and it has aroused widespread interest.

There is every reason to believe that the comparatively high forest revenue will be maintained at its present level during the coming year. but the initial stages of development will naturally involve greatly increased expenditure, the results of which will not be immediately productive of revenue.

The work of the department for the coming year can be divided into two main parts: the one, the protection and management of existing reserves and the continuance of production activities, and the other, active co-operation in the planned rural development of Nigeria as a whole.

The implementation of the new policy for intensifying the exploitation of the heavy timber forests of Benin and Ondo, its control by limiting the area felled each year and the linking of exploitation with regeneration by preliminary natural seeding operations over some 10,000 acres, will be of major importance in those areas. An approach will be made to secure active co-operation of the Ondo and Idanre Native Administrations in this matter similar to that which has been already attained in Benin.

The consolidation of the now adequate forest estate in Benin and Ondo cannot be completed within the year, but 1947 should see this task accomplished. It is hoped that opportunities will be forthcoming for pursuing with much more vigour the neglected task of extending the forest estate by the creation of reserves and communal forestry areas. The progress of forest destruction by farming and fire makes this a matter of great urgency. It is desirable that such extension should be based upon an agronomic survey in co-operation with Administrative Officers and the other technical departments so that the most suitable distribution of forest can be obtained in relation to farmland, but the rate of progress under planned extension as compared with that dictated by considerations of expediency must depend upon the availability of additional staff.

It is expected that a scheme will be completed during the year for control, on a much larger scale and based upon the department's previous experimental work, of the eroded gully areas of Udi and Awka in the Eastern Provinces.

The question of fuel supply in the treeless areas of the Plateau, where mining activities and shortage of farmland for a dense population has created an unbalanced and difficult situation, will be fully investigated and active measures initiated for the solution of the problem.

An African sawmiller in Ibadan will instal a forest mill in the Ibadan Reserve during the year under the guidance of the department. Other applications for similar assistance have been received but availability of the machinery will be the deciding factor in determining whether these projects can be carried out during the year.

Preliminary investigations for the proposal to erect a sawmill in the undeveloped Cross River area will be completed. It is proposed that a portable sawmill, improvised out of materials available locally shall be set up for the exploitation of the "kurmi" and savannah forests of the Northern Provinces with the object of producing cheap furniture and other wooden articles for the local people, The United Africa Company plans to commence the installation of a plywood mill served by the Benin forests.

The activities of the Forest School will continue to add to the growing number of higher-trained Africans who are proving so useful in relieving the depleted and over-burdened European staff of many of its minor essential duties.

Full co-operation will be given in initiating and implementing provincial rural development plans.

Mines

As a security measure secrecy is still maintained as to the quantity of each mineral exported but some information can be given in general terms.

Tin.—All tin ore (cassiterite) was purchased by the British Ministry of Supply. The target figure agreed with the Ministry has been achieved, although early in the Financial Year there was reversion to the peace-time policy of relying entirely on voluntary labour. Approximately 87 per cent of the tin ore exported came from producers whose contracts with the Ministry guarantee the maintenance of the previous average profit a ton of ore. Costs are rising. Producers who prefer to be exempt from the detailed accounting necessitated by the form of contract guaranteeing profits, are given a form of contract. guaranteeing the price to be paid for each ton of ore.

Columbium.—Columbite is an ore of the metal columbium. Nigeria is the world's only commercial source of columbite, which occurs with the tin ore in many deposits. All columbite goes to the United States of America. The target agreed with the United States Government has been far exceeded.

Tantalum.—It has for years been known that this rare metal occurs in Nigeria, though only a few hundredweights of the ore tantalite had been separated and exported as such. At the request of the United States Government there was intensive prospecting for tantalite. A small production for a few years is now assured.

Gold.—Since the coming into force of Lease-Lend arrangements with the United States of America, gold has not been considered an essential mineral. Prospecting for gold is suspended and expansion of gold mining is checked by the Nigeria (Restriction of Gold Mining) Regulations. During this pause the opportunity has been taken to overtake arrears of survey work in connection with applications for gold mining titles. Measures are being taken to reduce the theft of raw gold, a form of control which is essential before a sound gold mining industry can be established. Small producers in the alluvial goldfield in the Ife Division of Oyo Province made large profits.

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It is anticipated that a new Minerals Ordinance will be enacted, consisting largely of the present law set out in a more logical sequence and with increased safeguards for those who own or occupy the surface of land under which mineral may lie. Particularly it will be possible to embody a re-soiling clause in any mining lease. This power is now limited to the types of land described in section 33 of the present Minerals Ordinance.

Tin.—There are signs that the tin mining industry is at or near the peak of production likely to be achieved. Decline in production cannot be offset by working deposits too low grade to be attractive in the past, for costs are rising. The chief hope is in the Jos Division of Plateau Province where there are alluvial leads more than one hundred feet below the present surface. Plans for proving and developing these are mostly in abeyance under present conditions.

Columbium.—The present record production of columbite is largely from the dumps of tin ore dressing plants. Production must be expected to decline soon but there is no reason to believe that market needs cannot be fully met for some years.

Gold.—The best prospect of replacing the fall in revenue from tin mining, is in developing Nigeria's alluvial goldfields more scientifically than in the past.

Mineral Oil.—There are mineral oil prospects on which more work is justified. It cannot be estimated when work is likely to be resumed.

Colliery

The output for the financial year 1943-44 was 528,420 tons 18 cwts, this being the highest output in the history of the Colliery.

The labour employed has increased during the year to 5,350, an increase of approximately 800. Of this total 1,486 (*i.e.* 27.8 per cent) men are housed in Colliery Housing Estates, the new Forestry Hill scheme having been completed and occupied during the year.

Welfare work among the Colliery employees is being continued and it is hoped to secure the services of a trained European Nursing Sister in the near future to take charge of pre-natal and clinical work in the Colliery camps.

A strike of Colliery labour took place in February of this year; the strike, which was started over a question of mine operation, was settled in two days.

A Trade Dispute was declared by the Unions in August; this has not yet been settled.

A training scheme to provide trained African mine officials was inaugurated in July and is proceeding satisfactorily.

Better control of the labour and increased efficiency in the mine has resulted from an increase of six officers in the European Staff.

The monthly output has been raised to 60,000 tons during the year.

PROGRAMME FOR 1945

Owing to the thinning over a large area of the seams being worked it has become necessary to introduce mechanical mining. Machinery and equipment has been ordered from the United Kingdom for this purpose and this machinery will be put in operation in 1945. If the labour proves adaptable to mechanization it is proposed to mechanize the mine completely.

Work on the New Obwetti Mine has been started and this should be almost completed in 1945.

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The Colliery Manager visited the United Kingdom in September to investigate the possibilities of low-temperature carbonization; this appears to be very promising and a comprehensive report will be submitted at a later date.

Investigations have been carried out on the lignite deposits near the Niger, with a view to effecting a saving in petrol consumption during the war. At the present time, reports are being awaited from the commercial firms who are testing samples of the lignite on their river steamers. If the results of these tests are favourable a European officer will be posted to Onitsha to raise the output to the required figure and to effect a saving in petrol consumption of 5,000 gallons per month, this being the amount of petrol at present being used in conveying coal from Enugu to Onitsha.

Geological Survey

The various activities of the Geological Survey Department have been carried on during the year with depleted staff and shortage of materials. The new Director, Dr F. Dixey, O.B.E., assumed duty on 1st July, and one of the vacancies for Geologists has been filled.

The department has endeavoured with its small staff to aid the production of minerals of importance to the war effort. The search for tantalite and columbite has continued, and the geological mapping of the Plateau tinfields is being revised. The Director has met representatives of the mining community, and a branch office of the Geological Survey has been opened at Jos with a view to facilitating the new mapping and maintaining direct contact with the mining industry. Good progress was made in the setting up of new laboratory equipment and in the determination and analyses of specimens sent in by mining companies and prospectors ; unfortunately, this service was necessarily curtailed towards the end of the year owing to the invaliding of the Mineralogist.

The departmental well-sinking has been continued, and at the end of the year work was in progress in Sokoto, Katsina, Kano, Bauchi, Bornu, and other provinces, as well as in the Anchau Sleeping Sickness Settlement; a total of ninety new wells were completed, and an equal number deepened or improved.

A marked improvement in general health conditions in the vicinity of the wells has been noted, particularly as regards the incidence of water-borne diseases; this has been of considerable value in relation to war services.

Continued difficulty has been experienced in obtaining steel reinforcement and spare parts for plant, but for the shallower wells a modified technique has been introduced with a view to making greater use of local resources and depending less on imported materials.

The Maiduguri Aerodrome bore-hole has yielded steadily at the rate of 14,000 gallons of water a day, but great mechanical difficulty has been encountered owing to the absence of suitable pumping plant. The second bore-hole at Maiduguri had reached a depth of 90 feet when the Drilling Superintendent proceeded on leave early in the year. The improvement of rural water supplies is regarded as a fundamental feature of post-war development, and a comprehensive scheme covering the country as a whole has been prepared. In the meantime, provision has been made for doubling the well-sinking staff in 1945-46, and at the same time it is hoped to increase considerably the drilling programme, for which there is urgent need.

Public Works

At the beginning of 1944 it was confidently anticipated that the programme of Military and Air Ministry works would be reduced to a very small amount and arrangements were made for the withdrawal of the Royal Engineer and Air Ministry staff seconded to the department. Unfortunately although the withdrawal of staff was carried out, the volume of work for the army was not reduced to anything like the figure anticipated and it is still nearly £500,000 for the year. Similarly the programme of civil works under Public Works Extraordinary which started out at some $f_{330,000}$ has been increased by supplementary items during the year to well over £500,000. These supplementary works have to a large extent taken the place of original items on which work has been held up owing to changes of plans and difficulties over sites, etc., with the result that the estimated expenditure on Public Works Extraordinary for the year is still some £370,000. It does, however, involve a large carry over to 1945-46 with consequent reduction in the number of entirely new works which it will be possible to include in the programme.

In September the withdrawal of the fifteen Engineers seconded from Malaya was demanded by the Malayan Planning Unit and only after strong representation was it possible to get permission for three of them to remain until mid-1945. As most of these officers had only just proceeded on leave at the time, the withdrawal did not produce any immediate effect but the full effect will be felt from early 1945 onwards unless of course it is possible to obtain replacements by normal recruitment.

A start has been made with the reintroduction of carrying out building work by major contract but the numbers of contractors capable of satisfactory work within a reasonable time is very small. It must also be borne in mind that contract methods involve the preparation of much more detailed plans specification and bills of quantities than are required for carrying out works by direct labour and also do not by any means eliminate supervision during the progress of the works.

The Electricity Branch has suffered most from the shortage of European staff and at times conditions have almost reached the stage of crisis. Stations have had to be run with a bare minimum staff.

The African staff generally has been kept up to strength but some difficulties have been experienced owing to a tendency for junior and newly recruited clerical staff to resign and seek easier and sometimes more lucrative work elsewhere, whenever even the mildest form of disciplinary action seems imminent. In accordance with departmental

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policy, accelerated in places by the increasing demands for work, the African supervisory staff have had to take on greater responsibilities and with a few minor exceptions have responded well to the demand. This is especially so in the technical staff and senior grades of the clerical staff. Although standards of workmanship among the artizans have suffered during the last few years owing to dilution of labour and the rushed and temporary nature of most of the work, it is satisfactory to note that in many places where permanent works are now in progress there is evidence of a return to former standards.

As regards works the principal services of maintenance of roads, buildings and furniture, aerodromes, water and electricity supplies have been satisfactorily carried out. Roads generally are in good condition and adequate to carry the volume of traffic using them. From returns of petrol consumption it seems that the general volume of traffic is now about the same as 1938-39. Aerodromes have given satisfactory service throughout the year and some improvements have been made especially to drainage.

It is always difficult to give a comprehensive picture of the progress of new works since owing to the extent of Nigeria any programme necessarily consists of a very large number, literally hundreds, of small items spread over all the provinces with only a few major items concentration on which upsets the general perspective. It is also necessary to bear in mind the considerable volume of native administration works, both maintenance and new construction, the value of which in 1943-44 amounted to some £250,000. The principal major items undertaken during the year have been to start work on the new hospital at Victoria and the rehabilitation centre at Yaba, new fire stations and quarters at Ebute-Metta and Apapa, continuation of work on the Kumba-Mamfe road, and completion of the Veterinary School at Vom. Work on the third section of the Colliery Housing Scheme at Enugu has been held up pending the report of a special Committee to consider the costs, and the extensive scheme for housing the Marine Department staff at Forcados has been deferred while consideration is being given to a transfer to Lokoja. Continuation of the important Kano-Eastern road has been held up by lack of staff. The extension of the bituminous surfacing of main roads has been hampered by delays in delivery of material. In spite of these difficulties, work on the virtual reconstruction of the power station at Enugu by transfer of the old 1,000 kilowatt generating sets from Ijora has continued and is practically completed. The extension of the electricity supply to the Veterinary Station at Vom has also been undertaken. Considerable improvement has been made to the water supply at Kano by the development of an ingenious method of pushing out pipes radially from the wells in the Challowa river to increase the yield and by bringing the pressure filters into operation.

Investigation into the manufacture of local limes and cements at Igumale were completed. The conclusions reached were that while production of cements, puzzolanas and limes was technically possible it would be quite impossible as a commercial proposition under any

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conditions which can be foreseen for many years. An intensive investigation was made of the principal landing grounds to determine their capacity to carry aircraft of weights greater than those in present use and also capacity under worst possible weather conditions. The results are being published as a Technical Paper. During the early part of the year the Deputy Director visited East and South Africa and *inter alia* collected considerable information on African Housing Schemes and methods in those territories. The Senior Architect also visited Uganda and Kenya and obtained information about housing. In October the Deputy Director paid a short visit to London in connection with Colonial Development Schemes.

NOTES ON PUBLIC WORKS PROGRAMME FOR 1945-46

It is again anticipated on assurance from military headquarters that the programme of military works will consist of little more than maintenance and minor works. Departmental capacity for Extraordinary Works is estimated at not more than £500,000 and a large portion of this will be absorbed by works carried over from 1944-45. As in the past the new works consist of a large number of small items spread over the provinces.

Ability to cope with this programme will depend to some extent on the filling of existing vacancies in the permanent establishment. As regards development schemes, little if anything will be possible during 1945-46 except preparatory work. Even if staff is recruited it will take a little time to absorb the additional numbers and most important of all is the time and work required to rehabilitate and extend the departmental mechanical and woodworking shops and stores to cope with increased demands. This is an essential preliminary to any expansion of works programmes and is additional to the rehabilitation required to make up the leeway of the last four years. As an example there are now over 500 motor vehicles owned by Government and the native administrations and the organization of maintenance facilities is urgent. It will also be necessary to strengthen the directorate staff and put in motion machinery for still greater decentralization and delegation of powers to areas and provinces to prevent the departmental headquarters becoming over burdened with detail and routine work. The organization for normal maintenance work also requires strengthening. In general 1945-46 will have to be devoted very largely to consolidation and building up the organization to meet post-war demands.

Railways

The revised estimates of Railway revenue and expenditure for 1944-45 show that the earnings are expected to fall short of the approved estimate by £113,900 and the expenditure on revenue account to exceed the approved estimate by £50,350. That is, the earnings will be £3,756,000 instead of £3,870,500 and the expenditure on revenue account, which includes a contribution of £430,000 to the Renewals Fund, £2,507,370 instead of £2,457,020. It had been anticipated that the total revenue for 1944-45 would be some £262,000 less than that for 1943_44, but the tonnage of groundnuts to be railed this present season

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has again proved very disappointing and is not now expected to exceed 190,000 tons. This alone has caused the short-fall in goods revenue, other commodities being more or less in accordance with the original estimates. The short-fall in goods revenue has been partly offset by heavy revenue from coaching traffic and the indications now are that the sum realised from this source will be $\pounds781,000$ or about $\pounds181,000$ more than had been anticipated in the approved estimates.

The increase in working expenditure is almost entirely in the Mechanical Engineering department and is mainly caused by heavy maintenance of locomotives. For the last three years there has been no really slack period and the demand for engine power has been such that many locomotives have had to remain in service when they were due for overhaul. As a consequence repairs when undertaken have involved more labour and more material, and considerable hours of overtime are still regularly worked. Even this did not altogether meet the situation and the General Manager has encouraged his mechanical department to make every effort to reduce the number of engines awaiting repair, one step taken being the inauguration of a small second shift in the locomotive workshops. There is every hope that the action taken will result in arrears of maintenance and overhauls being overtaken, but it involves additional expenditure.

The reduction in revenue has not yet been followed by a proportionate reduction in train and engine mileage, though these should follow upon steps now being taken to restore the operating efficiency of the Railway to a higher level than was possible when the urgency and weight of traffic was at its peak. If these steps are successful the reduction in mileages should in their turn cause some reduction in expenditure, though the vastly improved conditions of service of railway staff and employees and the increased cost of all materials will cause anxiety on .the subject of expenditure for some time to come.

The general financial position of the Railway continues to be satisfactory and, following the practice of 1943-44, the Railway will not call upon Government in 1944-45 or 1945-46 for the subvention of £200,000 granted in relief of interest on capital expended on unprofitable sections. It is anticipated that a net surplus of £387,420 will be available for appropriation at the end of the financial year and if this sum is realized it is probable that £150,000 will be allocated to railway capital receipts to provide for part of the additional capital cost of relaying the Jebba to Minna section with 60 lb track, that £150,000 will be set aside towards the cost of rolling stock specially obtained to deal with war-time traffic, and the balance will be used towards other capital works. The reserve fund will remain unchanged at one million pounds, and the renewals fund will stand at about £3,795,000 on 31st March, 1945.

Preparations for the relaying of the old section of 45 lb track from Minna to Jebba are actively proceeding and the supplies of timber sleepers being received from all sources are now satisfactory. The machinery for the treatment and preparation of these sleepers is arriving now. A year ago it was anticipated that we should receive rails of American pattern weighing 75 lb per yard but it has since been possible to arrange for the supply of 60 lb British standard rails from the United Kingdom instead; this is more satisfactory as this type of rail will be standard with that which has been laid in recent years upon sections of the main line, for example Port Harcourt to Kaduna Junction, and the Minna to Zaria section. The first shipments of rails sufficient for six months laying are expected shortly and so it is hoped that tracklaying may start as arranged in the original programme early this year.

The relaying of this busy section of 160 miles of the main line is estimated to take three years and has to be carried out under traffic; it will be appreciated that this is a task of some magnitude, particularly as it is being undertaken by the civil engineering department of the Railway during a time when their already busily-occupied engineers are below strength.

The time-keeping of trains and general overcrowding, particularly in the third class are matters which are receiving the close attention of the General Manager and his staff and some improvement is hoped for as a result of certain measures mentioned later, but such major items as the relaying programme may react unfavourably upon time-keeping on the Western main line, and overcrowding is inevitable as long as the numbers travelling are in excess of the rolling stock capacity.

So much for 1944-45. Now as to the prospects for 1945-46. The General Manager's draft estimates forecast earnings on revenue account of $\pounds 3,812,000$ and expenditure on revenue account of $\pounds 2,556,000$ leaving a balance to be carried to net revenue account of $\pounds 1,255,000$. The estimated net surplus for 1945-6 is $\pounds 404,000$.

That the estimated working expenditure for 1945-46 should be slightly higher than that for 1944-45 is to be expected because, *inter alia*, the additional cost attributable to the introduction in October, 1941, of incremental scales for manual workers has not yet reached its peak.

I would invite your attention to the programme of renewals and capital expenditure drawn up by the Railway Department for 1945-46, totalling £918,000. This formidable programme of replacements of locomotives and rolling stock, track and station development and improvements to welfare projects such as additional resthouses and to the housing of station and other staff will, if the materials can be obtained, be a big step towards catching up the arrears of maintenance and development which were arrested during earlier war years. The eleven new locomotives provided for will be supplied to designs prepared by the Nigerian Railway embodying all points which have been found most successful in the hands of African drivers. Materials will be ordered now for the construction locally of thirty-two third class coaches and, though these are intended to replace vehicles which will eventually be withdrawn from use, they will alleviate some of the overcrowding of trains as they are put into service.

The whole question of train services is under general examination by the Railway staff and, as supplies become more readily available, indents will be placed for various types and classes of rolling stock to meet post-war requirements. Mar. 5, 1945]

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The improvements and additions to quarters throughout the system are a continuation and intensification of the programme started in 1943-44.

One very satisfactory feature of the Railway's finances is that it continues to pay for such projects as have been briefly described from its own renewals fund and current revenue without increasing its interest-bearing capital.

Other developmental and welfare projects are under consideration which may or may not involve the outlay of fresh capital but it will be seen that, even before the war is over, the Nigerian Railway is making a start.

While there has been some decrease, as was anticipated, in certain military and other traffic, there are indications of a general increase of internal movement and trade which might develop into a permanent post-war traffic for the Railway. If this proves to be the case it will be welcomed as taking the place, to some extent, of the war-time prosperity which the Railway has been enjoying, but coming as it does simultaneously with the still very heavy movement of war traffic, it strains the resources of the Railway considerably.

Civil Aviation

With the continuance of war-time conditions there has been no operation of civil aircraft. Air services carrying a proportion of civilian traffic have been operated by the R.A.F. and B.O.A.C. which works under the aegis of Transport Command.

There has been a considerable volume of such civilian traffic on both external and internal routes which will no doubt at some future date form the framework for a system of civil air services.

The Civil Aviation Department has now assumed the duties of ground control at all aerodromes in Nigeria except Apapa, Ikeja, Kano and Maiduguri. Part-time Control Officers have been appointed. Difficulties have been experienced at some stations in finding officers to carry out these additional duties, and serious consideration will have to be given in the near future to this problem of Aerodrome Control Officers.

The maintenance of all landing grounds is the responsibility of the Public Works Department. Work on improvements to aerodromes has continued and consists chiefly of improvements to drainage and surface strengthening at Jos, Enugu, Calabar and Zaria. Investigations and surveys for new runways to give the greater lengths now required have been carried out at Ibadan and Tiko. Some work has also been carried out in conjunction with the Royal Air Force and Posts and Telegraphs Department in improving wireless communications, and Civilian D/F stations are in course of 'erection at Ikeja and Port Harcourt. All landing grounds have continued to give satisfactory service during the year notwithstanding the general increase in weights of aircraft; Kano and Maiduguri in particular have had to deal with aircraft of weights far in excess of that for which they were designed.

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During the forthcoming year it is proposed to continue with the programme of imprevements and possibly with the new runways at Ibadan and Tiko if the surveys show proposals to be satisfactory.

It is also proposed to make a start with a comprehensive scheme for the extension of radic (facilities for aids to air navigation, which should remove many of the difficulties hitherto encountered in flying in Nigeria. It will take several years to complete the scheme. A further project which will facilitate air travel is the provision of fully equipped catering resthouses at the more important stations and a start has already been made on this scheme.

Marine

Some improvement in the staff position was effected early in the year by the appointment of temporary officers released by the Ministry of War Transport for service here. The improvement was not maintained as invalidings and retirements occurred and replacements could not be obtained.

Shortage of certificated staff, such as this department has experienced, not only retards progress but has an adverse effect on work already done. Dredgers cannot run and consequently width of bar and harbour channels and depths of water in those channels are reduced by silting. What is lost now can only be made up by increasing the dredging fleet as the capacity of the existing fleet is sufficient only to maintain and not to improve.

Regular attention to buoys and other aids to navigation has not been possible as officers were not available to run the buoyage and survey vessel. Surveys of bars at river mouths have not been carried out for similar reasons. For most of the year it has not been possible to run both colliers at the same time owing to shortage of officers.

There is much leeway to be made up, and it is hoped that the staff position will improve when the war in Europe ceases and officers become available for service here.

A new dredger "Lady Bourdillon" has been purchased and the dredger "Patunga" which was on charter has returned to her owners.

Reclamation of swamp areas in the vicinity of Apapa Airport was discontinued in June last, and the reclamation of the swamp which lies between Five Cowrie Creek and Victoria Beach was started in August. The reclamation of this area is likely to take some years to complete.

Victoria Beach erosion.—The erosion taking place along the foreshore to the east of the East Mole has caused some concern and the advice of a consulting engineer was obtained. As a result of his recommendations a survey of the foreshore and the bay is being carried out and groynes will be built into the sea as an experiment in an attempt to stop erosion.

Inland Waterways.—Every effort has been made to keep the principal inland waterways clear for passage of produce but here again it has not been possible to give more than scant attention as supervisory staff is not available. A large and extensive programme of waterway clearing is envisaged as soon as staff becomes available. Mar. 5, 1945]

Dockyards.— Apapa dockyard has been kept fully employed throughout the year and much of the work done has been for the Royal Navy. The length of the large floating dock was increased sixty feet by the addition of one pontoon. This was done at the request of the British Admiralty who provided all material free of cost to this Government.

The repair yards outside Lagos have likewise been fully employed.

It was decided to close down Forcados dockyard during the year. The African staff quarters were in such poor condition that complete rebuilding would be necessary. In addition, the slipway needed renewal and as the estimated cost of these works was over £60,000 it was considered too much to spend in Forcados which is low lying and swampy. A transfer to Warri was considered but this entailed considerable reclamation work and an estimated expenditure of £82,000. This scheme also was considered to be too costly, apart from the length of time it would take to reclaim the swamp before building could commence. Better housing for the African staff is a matter of some urgency. After full consideration it was decided to close down Forcados and transfer to Lokoja where a Government repair yard and slipway already exists. The facilities here will be increased by the transfer of buildings, plant, and machinery from Forcados, and quarters will be built for the additional staff required. It is estimated that the cost of this scheme will not exceed £25,000, the major portion being spent on housing.

The programme for the coming year is largely dependent on the staff position. Should staff become available surveys of the various river bars will be carried out and a start made on the large waterway clearing programme. It is hoped to build and acquire craft for additional and improved services. It is proposed to run a weekly service between Lagos and Warri instead of fortnightly as at present. A passenger ferry service will be established between Onitsha and Asaba. The preventive service in the Calabar-Victoria area will be resumed with a new vessel and it is hoped to place a new and suitable vessel on the Calabar-Victoria passenger service to replace that now operated by the Custodian of Enemy Property.

Posts and Telegraphs

Heavy increases in nearly all services continued throughout the year, and difficulties were still experienced in obtaining equipment and staff.

Postal.—One new post office (Nwaniba) was opened on the 15th May. Postal services generally have increased and new agencies have been opened. There is serious congestion at many post offices owing to lack of space.

Air letter service from the United Kingdom to Nigeria was introduced in August and from Nigeria to United Kingdom in October.

A new issue of 1d, 2d, and 4d stamps was placed on sale on 1st December.

Remittances.—Money order business is still increasing slightly and paid postal orders show a large increase.

Banking.—The balance to credit of depositors increased from $\pounds785,000$ at the end of 1943 to $\pounds1,061,000$ at the end of 1944. The business is expanding rapidly.

Telegraphs.—A slight decrease in the number of official telegrams has been noticed, but paid traffic has increased. The existing equipment is still overloaded and the army have assisted by lending teleprinter equipment. Shortage of spares has made continuous successful working difficult.

Telephones.—New trunk lines Uyo-Nwaniba, Sapele-Warri, and Kaduna-Jos were opened during the year. Benin-Sapele has been held up awaiting a new cable across the river at Sapele. Local services have expanded but this has been restricted by lack of equipment.

Radio Distribution Services have been opened at Kano and Port Harcourt and work commenced at Zaria. Further development has been delayed by lack of equipment but existing centres have developed.

Wireless.—Some new equipment has been made available for aeronautical services and a direction finding station is being installed at Maiduguri. A complete aeronautical station is being installed at Port Harcourt.

Carrier equipment hoped for in 1944 has not been made available but may be released in 1945. There should be large expansion of radio distribution and local telephone services if equipment can be obtained. Installation of a large number of aeronautical stations for the internal air services is to be undertaken and it is expected the postal and savings bank business will increase. A very large development programme in future years is under discussion.

Labour

STAFF

In May, Mr F. Hampton, who was seconded from the Ministry of Labour to act as Industrial Adviser during the first year of the Labour Department's existence as a separate department, reverted to his substantive appointment of Deputy Regional Industrial Commissioner in the United Kingdom. The war has made unprecedented demands on the permanent staff of the Ministry of Labour and the Ministry made a very generous gesture in sparing the services of one of its senior officers to guide the new Labour Department in its early stages. Mr Hampton's advice and experience were invaluable in shaping the policy of the department on sound lines.

The difficulty of obtaining staff has retarded the expansion of the activities of the department which was contemplated a year ago. It was not possible to set up the outstations which were planned for Kaduna, Ibadan and the Cameroons, to start an Industrial Welfare Branch or to provide a second officer for the Industrial Relations Branch. Two new branches of the department were formed during the year, one to deal with plans for demobilization and for the employment of demobilized soldiers, and the other at Jos to supervise labour matters in the minesfield area.

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It is not possible in present circumstances to provide reliefs for officers when they proceed on leave. Shortage of European staff delays the training of African Assistant Labour Officers, and the award of scholarships to study social science to three members of the African staff has to some extent interfered with the continuity of the work in various branches of the department in which they were employed.

The Statistics and Intelligence Branch has continued to collect and classify statistics relating to industry, employment and unemployment, demobilization, wages and hours of work, cost of living, industrial accidents, industrial disputes, and workmen's compensation claims. In war time, however, one hesitates to embark on fresh statistical inquiries which will throw an additional burden of work on employers and government officials throughout the country, without whose cooperation the required information cannot be obtained, and one is inclined to postpone inquiries, which, though desirable in themselves are not of immediate urgency. Trade Unions in Nigeria have not yet reached the stage of development at which they can be relied upon to furnish reliable statistics relating to industrial matters.

LABOUR ADVISORY BOARDS

Since Ordinance No. 40 of 1943 was enacted the power of Government to fix minimum wages or conditions of service in an industry can only be exercised in accordance with the procedure laid down in that Ordinance for inquiry by a Labour Advisory Board, which makes recommendations to Government. The Labour Advisory Board for Lagos and the Colony completed its first inquiry on the 22nd January, 1944. The subjects of the inquiry were the "tailoring, shirt-making and ancillary trades within the area of Lagos and the Colony" and the investigations revealed some deplorable conditions of sweated labour.

The recommendations of the Board received the approval of the Governor in Council and were embodied in Orders in Council Nos. 32 and 33 which were published on 7th September, 1944. In order that employers in the trades concerned might have time to adjust themselves to the new conditions laid down by these Orders in Council their application was postponed until the 1st April, 1945.

The experience gained during this inquiry showed that the efficiency of the Board would be greatly improved if some means existed of compelling the registration of employers in the trades under consideration. Ordinance No. 22 of 1944 provided the authority for this and the necessary forms and certificates are now in course of preparation.

After completing its first inquiry the Board was precluded from functioning for some months owing to the absence of the chairman, on leave. In November, however, a second inquiry was started, this time into the rates of wages and conditions of service of persons employed in the motor industry in Lagos and the Colony. This inquiry is still proceeding.

In June, following a brief strike on an African-owned plantation near Benin City, a Labour Advisory Board was appointed to inquire into the rates of wages and conditions of services of workers employed in the rubber plantations of the Benin Province. In this area many

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October. The considerable reduction recorded in the early part of the year was effected by the introduction of the Government bulk purchasing and marketing scheme, commonly known as the "Pullen Scheme." The organization set up under this scheme has succeeded in stabilizing to a large extent the prices of essential locally grown foodstuffs. The cost of clothing, fuel, rent and other classes taken into consideration in the cost of living index calculation continues to rise slowly.

Selected labour for the minesfield was withdrawn on the 1st of April. Government came to the conclusion that the disorganization resulting to agriculture from the selection of labour was not justified, when the necessity for increased agricultural output was realized to be of equal importance to an increase in the production of essential minerals. The Labour Department opened a branch at Jos to deal with the labour matters in the minesfield area for which the Administrative Director of Minerals Production and his staff were previously responsible.

Quarterly Review.—The department publishes a quarterly review which was originally distributed free of cost to any person who was sufficiently interested to ask for it. The circulation grew rapidly and in order to ensure that it did not become too large a charge of 3d was made to individual subscribers starting with the March issue. The charge covers the cost of printing but is not intended to raise revenue.

Outstations.—Owing to shortage of staff the outstations at Enugu and Calabar had to be placed in charge of a single officer for six months during the year. The employees' organizations at the Government Colliery continue to agitate for increases in pay. As former increases have not been followed by a corresponding increase in production the Colliery Manager intends to introduce piece rates, which will ensure that increases in earnings will be more closely related to the volume of output per man than in the past. Steady progress has been made with the Colliery Housing Scheme, and great satisfaction is expressed by the employees for whom houses have been provided.

At Calabar the number of Nigeria workmen volunteering for work in the Spanish Territories of the Gulf of Guinea has fallen off considerably during the year. The principal reason for this is that the wages paid by the Spanish employers are no longer sufficiently high to compete successfully with wages in the recruiting areas in the Eastern Provinces. It has been represented to the Spanish authorities that it would be in their own interest to offer higher wages if they expect to obtain more volunteers. The Labour Officer at Calabar has paid visits to the Cameroons Province to inspect plantations there, but it has not yet been possible to post an officer to the Cameroons.

It is intended to introduce at this Session of the Legislative Council a new Labour Code revising and consolidating the existing law relating to labour matters, and including in it the provisions of a number of International Conventions to which Nigeria has subscribed at various times in past years.

Another most important bill which it is intended to introduce is the Employment of Ex-servicemen's Ordinance based on the United Mar. 5, 1945]

Kingdom Disabled Persons (Employment) Act and on Defence Regulations compelling employers to reinstate former employees.

Considerable expansion of the Labour Department is expected, in fact a plan for the reorganization of the department envisaging a European staff of sixty-one officers has been approved, although it is realized that it may be some considerable time before the required staff can be obtained.

Steps are already being taken to form Juvenile Advisory and After Care Committees in the Provinces on the model of the Lagos Committees

It is intended to open Juvenile Employment Exchanges and Registration Bureaux at Calabar, Onitsha and Ibadan next year. It is intended to establish a pre-vocational training centre for the unemployed in Lagos next year.

It is proposed to set up a small training school at Yaba for training tailors. The school will require a European Instructor on agreement, and is designed to train about thirty-six apprentices who will board at the school during their training.

If the necessary staff can be obtained it is intended to introduce a system of trade testing in connection with the Lagos Employment Exchange. At present when a man is registered as a tradesman there is no means of determining the degree of skill which he may possess in relation to his trade or profession. What is required is a system under which practical tests can be given and certificates issued indicating the degree of competence attained in any particular trade.

It is proposed to appoint a factory inspector to organize a factory inspection branch of the department. There is no doubt that Nigeria which has no factory legislation at present, is behind other colonies in this respect.

Police

The Force lost the services of eight Malayan officers, and sickness, termination of temporary appointment, and secondment to other duties caused six other unexpected casualties. The timely and very welcome arrival of thirteen officers seconded from the Metropolitan Police saved the officer position from deteriorating into a state which would have necessitated the closing down of a number of duty posts. At the time of writing, the Force is still short of its establishment by fourteen superior officers, while six more are seconded to other duties, *i.e.*, there are twenty officers short of the establishment of ninety-six.

This shortage has made it extremely difficult to give as much supervision to Native Administration Police training as is undoubtedly necessary and desirable, but it is impossible to be effective in this sphere until the Force has its full complement of officers. In the Northern Provinces, contact between the Nigeria Police and Native Administration Police Forces has been drawn considerably closer. In both the North and the South, batches of Native Administration Police have been put through courses of training and instruction at the Nigeria Police Schools. As a result of further promotions, there are now in the Force four African Assistant Superintendents and two Acting Assistant Superintendents.

Owing to inter-tribal friction.a small police patrol, consisting of one officer and twenty other ranks, operated for a short time in Adamawa province during the second half of July. All villages where fighting had taken place were visited, arrests were made, and fines inflicted. In the words of the touring officer "the action taken proved extremely successful and I have to admit that this visit [of the Police] has had more effect than all the visits of the touring officer by himself put together for several years past."

There were two serious fracas at Kaduna and two at Zaria in which soldiers were involved and in which police had to intervene. In one of the cases at Kaduna, the Police Sergeant-Major acted with great speed and tact and dispersed the demonstrators before they had time to organize themselves.

At Zaria, the Colonial Police Medal for Gallantry was awarded to Sergeant-Major Garuba Zaria who, in the words of the Magistrate, "alone faced an angry mob of fifty soldiers, armed with sticks and matchets, admittedly out for trouble with their own Military Police. He persuaded them to return to their barracks thereby preventing almost certain damage to life and property."

During November and December, 1944, women and men in the Ikot-Ekpene area started organizing meetings, which began with a malicious rumour to the effect that Government was going to seize all cassava farms. Later, they demanded that no further tax should be levied by Government, and invoked the Mbiam Ju-ju against all those wishing to pay their tax. Police numbering nearly 200, with four superior officers, were drafted to the area. The situation has since become quiet.

The greatest event of the year was the supply to the Force of sixteen Ford lorries and nine Dodge desert trucks. This is a most welcome step forward in making the Force mobile, and the value of adequate transport was particularly demonstrated in the Ikot-Ekpene disturbances when Police were on the scene very quickly from Calabar, Aba, Enugu and Onitsha. A supply of motor cycles is also anticipated.

In July, Government became seriously concerned at the extent of illegal gold-mining in the Ilesha District. In consequence, one officer and twenty men were posted to Ilesha, and a temporary station opened. As the result of their activities not only has the position in respect of gold-mining been restored but other crime, hitherto unchecked, has been halted. It appears to be desirable that a permanent Police detachment should be established in this area.

There is no doubt that physical training and training in unarmed combat will be of great value to the Police in the days ahead. Courses of instruction have been attended by selected personnel at Military centres during the year.

The Police continue to supply a considerable force of men under secondment for Motor Transport Control duties, and officers on tour Mar. 5, 1945]

have spent a considerable amount of valuable time in checking up on motor vehicles on the roads by day and by night.

A duty to which the Police have given considerable attention is the checking of profiteering. In spite of the large number of prosecutions instituted, the offence continues.

A comprehensive building programme, chiefly for quarters for the men, is now laid down and, since the allocation and administration of the vote for "Temporary Buildings" for the Force has been under the direct control of the Commissioner, big strides have been made in improving the housing of the rank and file. The new procedure is working most satisfactorily.

Musketry has been resumed after having been suspended since the outbreak of war, but the original military practices have been altered to suit the needs of a Civil Police Force.

Railway Police have been increased at a number of stations throughout the country at the request of the Railway Authorities.

Steps are being taken to increase the establishment of the Force in various parts of the country, particularly the Eastern Area, where it is anticipated there may be frequent calls for Police in the future. It is to be remembered that, apart from the need for Police to deal with post-war problems, a considerable increase is required in any case owing to the expansion of townships such as Lagos, Abeokuta, Ibadan, and many others in the eastern area, which even now are, in many cases, inadequately staffed.

The Air Service operating within Nigeria will be used to much greater purpose in the saving of time and for more frequent visits to the provinces by Headquarters' and other officers. It is hoped that the day is not far distant when an aeroplane will be at the disposal of the Commissioner of Police for speedy transport and emergency action. There is no need to dilate on the great value of readily available rapid transport from a Police point of view.

One of the greatest needs of the Force is the proper housing of the rank and file, and efforts will be made to build more two-roomed houses and to improve existing quarters on a large scale building programme. Particular attention is being concentrated on the building of recreation rooms, where they can get away from their cramped quarters at least temporarily.

The indications are that the maintenance of an efficient Pclice Force in the post-war era is going to be a considerably more costly affair than in the past. The provision that will have to be made for commodious Police Stations readily accessible to the public in congested areas, for the proper accommodation of the administrative personnel with modern equipment and facilities, decent and adequate housing for the lower ranks, the cost of training Police recruits and providing refresher courses for all ranks—these and many other considerations will have to be fairly faced.

After the war there are bound to be many changes in the Police Service, and in the functions they will be required to discharge, and co-operation between the Nigeria Police and the various Native Administration Forces will be necessary for the successful operation of the changed conditions. Organization, equipment, training are all essential conditions of Police efficiency, but what matters most is the quality of the men who make up the Force. If that is allowed to deteriorate, nothing else will avail. The quality of the men will be largely determined by their conditions of service, and this means not only pay, but questions of leave, housing, allowances, clothing, amenities and tangible recognition of the important and responsible position they occupy in the Government team.

Prisons

The prison camp established in the hinterland of the Ogoja Province in connection with wild rubber collection was closed on the 22nd June owing to the arrival of the heavy rains. The camp was supervised by the two Forestry Officers responsible for the rubber collection, assisted by African disciplinary staff of the Prisons Department. The Forestry Officers in question were gazetted as Acting Superintendents of Prisons in order that they should possess the necessary powers and authority.

A daily average number of 176 prisoners were employed between the 1st February and the 22nd June, 1944, representing a total of 25,884 prisoner-days.

Rations, stores and materials had to be transported to the camp by motor lorries, steel canoes, wagons and head loads.

Only four warders were sent to each eighty prisoners. The prisoners working under the tuition of skilled rubber tappers enjoyed the work and according to the Acting Superintendents many of them became expert tappers producing $4\frac{1}{2}$ lb of latex a day which is better production than that by free labour. Total production amounted to 10,000 lb of latex in respect of which the prisoners employed received total payment of f.87 0s 11d.

War conditions and the shortage of staff and funds have made the administration of the department difficult and according to present indications there is little prospect of improvement during the coming year.

Printing

The strain upon the resources of the Printing Department during the year has been as great, if not greater, than ever, but the arrival of a few new plant items has enabled certain arrears of work to be overtaken, and has made possible, not only an increase in the circulations of the "Nigeria Review" and the "Children's Own Paper", but the acceptance of new work for the Public Relations Officer and other departments.

Nevertheless, the department is still unable adequately to cope with as much work as Government and its departments require. Delays are regretted as much by the Printing Department as by those which suffer inconvenience as a result of its inability to meet promptly all demands; but until a more commodious building can be provided, and additional plant and staff obtained, delays—except in cases where immediate action is imperative—must be expected. It is possible that the position will be aggravated when the development programmes for Nigeria begin to operate. An increased amount of printed matter and stationery will Mar. 5, 1945]

be required to assist the schemes now being formulated. With its existing building, plant and staff, it is feared that the department will find the utmost difficulty in satisfying more than a proportion of all requirements.

Despite unfavourable conditions and a severe shortage of executive staff, much has been done to maintain, and even improve, the standard of printing produced by the department. Quality often has to give way to quantity, especially when urgency permits only hours to be spent on work which actually requires or deserves days; but generally the department's products compare favourably with imported printed matter of a similar type.

The manufacture by the department of printing type has assisted many local commercial presses over a very trying period. The type is sold at a low figure in limited quantities. Newspapers receive priority, but every effort is made to supply other presses, particularly those producing educational literature.

PROGRAMME FOR THE COMING YEAR

Included in the Estimates is provision for the purchase of a printing machine suitable for the production of small newspapers. It is expected that this machine will greatly facilitate the production of Public Relations Office newspapers, and permit of a considerable increase in their present circulations.

Government has decided to grant departmental scholarships to three young men (one from the Railway Press and two from the Printing Department) for the purpose of studying printing and allied subjects at a Technical College in the United Kingdom. On condition that they succeed in obtaining the College Diploma, it is proposed to employ them on their return to Nigeria as instructors in a school of printing to be established in the Lagos area. The school will, of course, be open to students from commercial, as well as Government, presses.

Administrator-General

The Revenue for 1942-43 was $\pounds 3,452$, that for 1943-44 was $\pounds 6,243$ 5s and from April 1st this year to the 29th December, $\pounds 7,645$ 3s. 6d.

The Administrator-General performs the following duties in addition to those prescribed by the Administrator-General's Ordinance No. 14 of 1938.

- 1. Probate Registrar.
- 2. Public Trustee.
- 3. Registrar of Trade Unions.
- 4. Registrar of Business Names.
- 5. Registrar of Companies.
- 6. Official Receiver.
- 7. Registrar of Bills of Sale.
- 8. Registrar of Patents.
- 9. Registrar of Trade Marks.
- 10. Commissioner of Stamp Duties.

None of these departments has any direct contact with the war effort. The war has certainly made it difficult for records to be kept up to date and there is considerable delay in dealing with estates owing to difficulties of communication.

From the 1st of January to the 30th of November the administration of ninety-six European estates was undertaken by the Administrator-General. This figure is made up of forty-five civilians and fifty-one officials of Government.

During the period under review, the total number of estates, European and African, under administration was 508. There has again been a marked increase in the number of applications requesting the Administrator-General to administer estates.

Probate Registrar.—The number of applications received during the period under review was 465 as against 390 for the whole of 1943 and 333 for the year 1942.

A considerable number of estates in this country still remain unadministered owing to lack of adequate legislation to compel relatives of deceased persons to inform the Administrator-General of such estates. Substantial revenue is thereby being lost to Government.

Public Trustee.—The total number of Trusts under the Public Trustee is 143 with 562 cestui que trusts compared with 119 with 487 cestui que trusts at the 31st of December, 1943.

The aggregate value of Trusts held up to date is $\pounds 35,283$ 19s. 11d. as against $\pounds 31,440$ at the 31st December, 1943. All funds are invested in Government securities. The Public Trustee arranges for maintenance and education of minors. All bills for schooling, etc., are sent to his office and paid direct to the Institutions or parties concerned.

Registrar of Trade Unions.—The total number of Trade Unions registered up to date is ninety-one. Seven Trade Unions were registered during the period under review. The number of applications advertised in the *Gazette* pending consideration is twenty-seven. Two Unions were struck off the Register during the year. There is a slight improvement in the preparation of accounts submitted by the Trade Unions.

Registrar of Companies.—During the period twelve companies were registered with a total share capital of \pounds 351,000. One of the companies recently registered is limited by guarantee.

The total number of companies on the Register up to date is 266 with a nominal share capital of $\pounds 2,920,692$ 6s. 8d.

The present buildings already congested will not accommodate the staff if the increase provisionally included in the estimates is approved. Approval has been granted for the erection of new offices on the present site.

Judicial

The year was marred by the death in England of Mr Justice Butler Lloyd during his leave prior to retirement after thirty years' Colonial service. Since the vacancy caused by his death has not been filled, the Judicial Bench has been short-handed during the year. The policy of relieving Administrative Officers of Judicial duties by the appointment of whole-time qualified Magistrates has been continued during the year; but it is being found increasingly difficult to find suitable condidates to fill the duty posts. Experience has shown that all the Magisterial Areas already created are necessary, and that it is desirable to add to them when personnel is available.

It was not found possible to introduce the new Courts legislation, merging the present Supreme Court and High Court into one Supreme Court, on the 1st April, 1944; but the 1st April, 1945, or the nearest possible date not later than 1st July has now been decided upon as the date of commencement of the new legislation, which it is anticipated will have far reaching effects and do much to improve the Judicial system of Nigeria.

Legal

The strength of the Legal Department has remained stationary during the year, the only post not being filled being that at Enugu which has been closed for about five years, the chamber work normally performed by Crown Counsel there being sent to Crown Counsel, Kaduna, occasional matters being referred to Lagos; but owing to the incidence of leave the prospect for the coming year is not so satisfactory.

Work on the Judicial Reform Bills unfortunately could not proceed until the end of the year and in consequence it has not been possible to publish the whole of the remainder of this legislation in advance of this meeting, but it is anticipated that those not published thrice before the Meeting of Council will nevertheless be published in time to enable them to be carried through and the whole structure be brought into operation as soon as possible after the first day of April next. The Bills already published include the Bill for the Magistrates' Courts Civil Procedure Ordinance, a very important piece of legislation which should simplify the civil procedure in Magistrates' Courts to a considerable extent. The Bill is designed in such a way as to afford help to those Magistrates who may be stationed in out of the way places. The remaining Bills are those relating to Criminal Procedure, Appeals, and the Sheriff and Execution of Judgments and Orders.

A considerable amount of other legislation has been drafted, many of the Bills appearing on the Order of the Day, while a large number are not yet ready for this Council.

Among the more important Bills before the Council is the Labour Code which provides a model code for labour conditions and is based on the newest laws of both the United Kingdom and other dependencies and includes provisions regarding the conditions and employment of labour laid down by conventions to which Nigeria is and has been a party. The new Minerals Bill is to some extent a consolidation of the existing law and the amendments found necessary in the course of years of Plateau experience, and provides more especially for the restoration of surface areas to the end that the Nigerian farmer may resume profitable occupation of lands formerly mining areas as soon as may be after the cessation of mining operations. The Ex-Servicemens' Bill provides for the care of disabled ex-servicemen and provides machinery whereby ex-servicemen, whether disabled or not, may be placed in appropriate employment as soon as possible after their war duties are ended. The successful working of the ordnance will to some extent depend on the co-operation of employers.

A Bill to provide for compulsory third party insurance of motor vehicles introduces a new principle into Nigeria whereby all persons owning motor vehicles will have to insure against third party risks so that persons who by reason of any such motor vehicle sustain damage to life or property will have some fund from which compensation may be paid.

Three bills which concern the Medical Department are of interest : the Pharmacy Bill is an up-to-date re-enactment of the law relating to poisons and their dispensing and incorporates provisions regarding advertisements in respect of certain medicaments which formerly were contained in the Undesirable Advertisements Ordnance, 1932, which will be repealed. A Private Hospitals Bill providing for the control by the Director of Medical Services of nursing homes and private hospitals and is aimed at securing as high a standard as possible, while the Mosquitoes Bill provides in a comprehensive bill for the control of mosquitoes which was formerly carried out under the very limited provisions of the Public Health Ordnance. Provision is made in the Mosquitoes Ordnance to enable work to be done by a sanitary authority on any land and where a scheme is approved the persons living on the area covered by the scheme will have to maintain such works in a reasonable condition.

The Public Lands Acquisition Ordnance is being amended to enable land to be acquired for rural development and settlement schemes. It is proposed under these and other powers to open up areas of Nigeria hitherto unoccupied or undeveloped.

It will be observed that the above Bills all form part of schemes devoted to the post-war development and planning of Nigeria.

In addition to the normal routine work of the Legal Department, which itself has substantially increased, there have been reproduced reprints, amended to date, of some of the Ordnances in more popular demand.

Public Relations Office

This new department continued to fulfil the numerous functions which its name implies, including the opening of reading rooms and the management of travelling cinema vans. The Radio Diffusion Service is greatly appreciated and plans have been made for its extension.

It is proposed to erect six or seven regional transmitters in the Protectorate. The intention is that each of these will transmit news and entertainment in the vernacular; in most cases there will be only one vernacular from each station but in some it may be necessary to use two. They will be low-powered and comparatively inexpensive, with a range of about 200 miles. The sites of these transmitters are not yet finally decided but one will be at Ibadan and one at Enugu. In addition there will be a powerful Nigeria station, with sufficient range to be Council Debates

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clearly audible in the United Kingdom. It will probably be at Lagos. This will transmit in English.

At present five Radio Diffusion Stations are in operation; at Lagos, Abeokuta, Ibadan, Kano and Port Harcourt: new ones are being built at Calabar and Zaria and funds are available now for six more, but shortage of staff in the Posts and Telegraphs precludes more rapid construction. The total programme so far covers about forty-two stations. At present the existing stations are receiving the British Broadcasting Corporation programmes supplemented with whatever talent can be produced locally. With whole-time staff it should be possible to put on good local programmes, especially if recordings are used. Eventually the Radio Diffusion Service will pick up their own vernacular programmes from the regional transmitters and so will African owners of private sets and towns equipped with public listening apparatus.

Conclusion

I wish to renew my thanks to the Administrative Service and to all the departments for their loyalty and devotion to duty in these times of ever-increasing strain—political, social, physical, financial and domestic. To say that they have behaved as they were expected to behave is a measure of the high standard achieved. I also thank the unofficial community for their co-operation and their patience under inevitable war-time restrictions.

The news from Burma continues to bring cause for pride in the battle achievements of Nigerian soldiers who have rendered such fine service on this front.

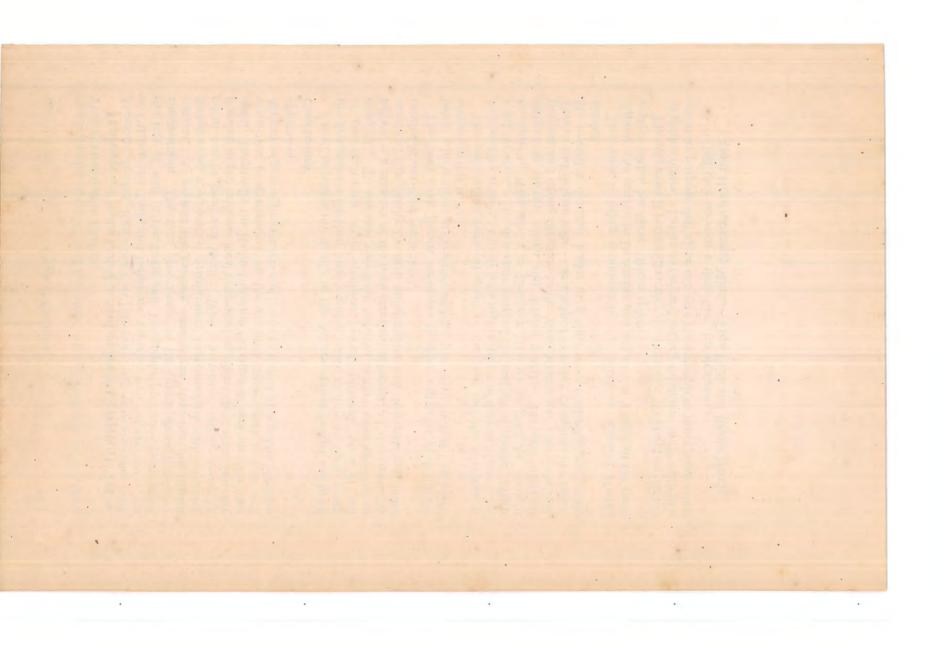
The outstanding personal event of the year was the selection of Viscount Swinton in October for a higher sphere of duty as Minister for Civil Aviation. His departure marked the end of an epoch. When he came to West Africa as Resident Minister in 1942, he brought consuming energy, vision and driving power. He gave unity of purpose and strong direction to the West African war effort—British, French and Belgian alike — and helped to gather them into one focus. He proved a dynamic leader at a time when leadership was sorely needed.

The work is being continued by his successor Captain Harold Balfour who arrived in December and has already visited all the main centres within his West African sphere.

The war news is good and victory draws nearer. We stand on the top of golden hours. Let us go forward to their fulfilment in the faith of a common purpose that alone can give the strength to move mountains.

"God give us men a time like this demands,

Stout Hearts, Strong Minds-True Faith and Ready Hands."



Debates in the Legislative Council of Nigeria

Tuesday, 6th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 6th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor, His Excellency Sir Arthur Richards, G.C.M.G.

- The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, c.m.g.
- The Chief Commissioner, Northern Provinces, His Honour Sir John R. Patterson, K.B.E., C.M.G.
- The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.
- The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.
- The Attorney-General, The Honourable H. C. F. Cox, K.C.
- The Financial Secretary, The Honourable G. N. Farquhar, с.м.б., м.с.
- The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B E.
- The Director of Education, The Honourable R. A. McL. Davidson.
- The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.
- The Comptroller of Customs and Excise, The Honourable J. McLagan, O.B.E.
- The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.
- The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.
- The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.

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The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.

The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.

The Director of Public Works, The Honourable H. E. Walker, C.B.E.

The Acting Director of Agriculture, The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member).

The Honourable G. L. Howe, Solicitor-General (Extraordinary Member).

The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).

The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member).

The Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member).

The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar, The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division, Dr the Honourable N. T. Olusoga.

The Mining Member, Lt.-Colonel the Honourable H. H. W. Boyes, M.C.

The First Lagos Member,

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos, The Honourable J. F. Winter.

The Second Lagos Member, The Honourable Ernest Ikoli.

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

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Member for the Ondo Division, The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member, The Honourable K. M. Oliver, M.c. -

Council Debates

- The Member for the Oyo Division, The Honourable Akinpelu Obisesan.
- The Member for the Warri Division,
- The Honourable J. Ogboru.

The Third Lagos Member, The Honourable E. A. Akerele.

The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division, The Honourable E. N. Egbuna.

The Member for the Ibibio Division,

The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division, The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

- The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.c.
- The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.
- The Resident, Ilorin Province, Captain the Honourable J. P. Smith.
- The Resident, Ondo Province, The Honourable E. V. S. Thomas.
- The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 5th of March, 1945, having been printed and circulated to the Honourable Members were taken as read and confirmed with one amendment, viz the deletion of the word " three " in the fourth line from the bottom of page 5 and its replacement by the word " eight ".

(c)		Up		Down -
Aro	10	minutes	31	10
Lafenwa	3	22 -		5
Olokemeji	10			37
Ibadan	20	3.5		3 hours 6 minutes.
Oshogbo	10	3.5		10 ,,

(d) When a new time table is prepared consideration will be given to allowing a few more minutes for the Limited Trains at Lafenwa.

(e) Lafenwa Station is already listed as one of the first stations to be rebuilt.

(f) A telephone is not considered necessary at present for Railway purposes; the Railway Department does not provide public call boxes.

The Third Lagos Member (The Hon. E. A. Akerele):

93. To ask the Honourable the General Manager, Nigerian Railway: What is the highest post at present held by an African worker in the Civil Engineering Department of the Nigerian Railway Administration; what is the scale of salary attached to such post; how many persons hold such post; how does that post stand in relation to the highest post held by the African worker in the Mechanical Department of the same Railway Administration both in numbers and salary-scale, and what accounts for the inequality (if any) of prospects in these two sister-departments?

(ii) Is it a fact that the reason often advanced by the management for inequalities in service conditions as between members of the Civil Engineering and Mechanical Departments of the Nigerian Railway is that the duties performed by the Railway African worker in the Civil Engineering Department are more analogous to those of the Public Works Department in contradistinction to those of the Railway Mechanical Department? If so, will the Honourable the General Manager relieve the Chief Engineer Railway of his responsibilities in this connection and transfer the men to the control of the Director of Public Works?

Answer-

The Hon. the General Manager of the Railway:

I. (a) The highest post held by an African member of the Civil Engineering Department is that of Chief Clerk on a salary scale of $\pounds 310-15-400$. There is a vacancy for Senior Technical Staff, Grade I, on a similar salary scale but it has not been possible to obtain a suitable candidate with the necessary qualification to fill the post.

(b) The highest post held by an African worker in the Mechanical Department is that of Office Assistant on a salary scale of £300-20-400-25-475. There is also one Chief Clerk on a salary scale of £310-15-400. In the Workshop Section there are four Workshop Foremen and in the Running Section one Assistant Locomotive Inspector, all on salary scales of £310-15-400.

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(c) The present inequality of prospects is due to the fact that while the Civil Engineering Department employs a larger force of unskilled labour than the Mechanical, the Mechanical Department employs a greater number of skilled craftsmen requiring more highly skilled supervision. There are, however, opportunities in the Civil Engineering Department for suitably qualified African Technical Assistants on the higher salary grades and with a view to filling such posts twelve of the staff are now being trained.

II. No. Sir.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

96. To ask Government:

(a) For a statement of the number of prosecutions and convictions in connection with smuggling, to and from Fernando Po, within the last twelve months?

(b). For a similar statement since the publication of Public Notices No. 54 and 55 of 1944 (Emergency Powers) Defence Acts 1939-40?

(c) The quantity, description and value of the articles smuggled and confiscated within the same period and the manner how these goods were disposed of?

(d) If Spanish Brandy (COGNAC) popularly known as "South Coast Express" is the main commodity smuggled, to what clubs, hotels or firms were they sold?

(e) At what price per bottle or case were they sold?

(f) What loss, in Customs Revenue, has the Government suffered within the last twelve months?

(g) Has Government succeeded in checking this nefarious traffic?

(h) If not, what is the cause of the delay?

Answer-

The Hon. the Chief Secretary to the Government:

... (a) Prosecutions 100 Convictions 77.

(b) P	rosecutions	14	Convictions	13.

4:1				£	S	d	
(c)	Brandy 3,887 bott	les	 	 3,887	0	0	
	Rum 10 bottles		 	 9	0	0	
	Enamelware		 	 37	0	0	
	Glassware		 	 49	0.	•0	
	Wearing Apparel		 	 118	0	0	
•	Bicycles-No. 5		 	 25	0	0	
	Cutlery		 	 72	0	0	
	Artisans tools		 	 35	0	0	
41.61	Tobacco		 	 20	0	0	
	Stationery		 	 20	0	0	
	Perfumery		 	 11	0	0	
1 1-	Razor Blades		 	 28	0	0	
	Crockery		 	 46	0	•	
	Sundries		 	 68	0	0	

(b) Is it not expedient that Lafenwa Station be provided with electric lights for the convenience of passengers entraining and alighting from trains at that station during the night and the early hours of the morning the matter being of the utmost importance and urgency to the public?

Answer_

The Hon. the General Manager of the Railway:

(a) and (b) The Honourable Member is referred to the replies given to Question No. 36(e) and the latter part of Question No. 35.

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

132. Is it not a fact that in the year 1933 or 1934 in the Bill published to introduce the Protectorate Court Ordinance, it was therein officially announced that men qualified as Barristers and or Solicitors will be appointed as magistrates in the Protectorate Court of Nigeria?

Answer-

The Hon. the Chief Secretary to the Government :

Yes, Sir, as may be seen by reference to paragraph 4 of the Objects and Reasons published with the Bill in *Gazette* of 24th September, 1933, which is assumed to be the official announcement to which the Reverend and Honourable Member refers.

BILLS

(First Readings)

THE PHARMACY ORDINANCE, 1945

The Hon. the Director of Medical Services :

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

"An Ordinance to regulate the sale and distribution of Drugs and Poisons and to provide for the Registration and Licensing of Chemists and Druggists and Dispensers."

Sir, this Bill consolidates existing legislation and brings up to date the procedure for the control of the sale of poisons and drugs and the practice of pharmacy. In these respects it does not differ from the regular practice of a well qualified chemist who keeps up to date with his profession. I shall therefore only engage the time of Honourable Members by mentioning the parts of the Ordinance which are new.

First of all, the Schedule of Poisons has been amended to bring it into line with the Schedules of Poisons in the British legislation, since the practice of pharmacy in this country is based on the British Pharmacopeia. One change in these Schedules is the addition to the list of drugs which can only be sold on the prescription of a medical practitioner of certain toxic preparations such as that group of drugs known as sulphanilimides, the most common of which known to the public is M & B 693. A very promiscuous and popular sale of this drug has developed in this country, so much so I am given to Mar. 6, 1945]

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understand that counterfeit coiners have found it more profitable to counterfeit tablets of M & B than the currency of this country. Apart from that it is also a dangerous drug. The reaction of the human body to drugs is different in individuals, and in some cases a common dosage of this drug for one person is an overdose for another. For example it may cause very severe and painful reactions and eruptions of the skin or by interfering with the functions of the kidney may cause death. On the other hand, under-dosing has disastrous effects on the health of the community. It is an unfortunate thing that this drug, if given in too small doses, in a disease which is only too common develops a strain of infection which becomes resistant to the drug, and more unfortunate still, when the infection is transferred to another individual it retains that resistance to treatment. So it is advisable that the free and promiscuous sale of this drug should no longer be allowed to continue in the country and its use should be controlled by the prescription of a medical practitioner.

A new part of the Ordinance is the registration of premises which are used for the practice of pharmacy or storage of drugs and poisons. The purpose of these new sections is to enable the conditions under which medical preparations are stored to be supervised. Powers are also given for the sampling of drugs which are kept, to ensure they are not deteriorating. These are common provisions in the legislation of other countries.

Another new and important part of the Ordinance is the control of the sale of patent and proprietary medicines. The new point in this part of the Ordinance is that the composition or the actual ingredients of patent medicines must be disclosed on the label. This is a common practice in many countries and is also now the practice in the United Kingdom. It cannot be brought into force immediately, so provision is made for bringing this part into force on a date decided by Government. The reason for the delay in applying this part, Sir, is that there are stocks in this country of quite useful proprietary medicines, the labelling of which does not correspond with the requirements of the bill, so time must be given to the holders of these stocks to dispose of them in the normal way and to import new consignments of these preparations which will comply with the requirements.

There is also a part, clauses 52 to 54, which seeks to establish a Licensing Authority for the sale of patent medicines. The object of this is primarily to see if we can control in some way the hawking of undesirable patent medicines. This practice is undesirable, and should be regulated, but these clauses will not come into effect immediately, for the problem of hawking one substance involves others, and I understand that the control of hawking is one of the most difficult in the country.

A very important part of the Ordinance is the expansion of those clauses which deal with undesirable advertisements of patent medicines. As Honourable Members will know, our Press prints various advertisements of patent medicines with the most astounding claims, and it is very desirable that the ingenuous public should not be allowed to spend their money on preparations which can be of no service to their health or well-being whatsoever.

Sir, I beg to move.

should be a preliminary examination, a period of three years training, and a final examination. It is not considered necessary that the training of pupils for licences for surveying should be by a fixed course in any school or that it should be given in the Survey Department of Nigeria. The licensed surveyors will be able, as they have been in the past, to take their share in the training of future candidates for the profession. I want to emphasise that as I saw that a criticism had been made that only men from the Survey Department would be able to get their licences.

Under section 6 of the existing Ordinance, it was provided that the Governor could, after enquiry made in accordance with his directions, cancel or suspend the licence of a surveyor who was guilty of unprofessional conduct or made incorrect surveys or was convicted of an offence and sentenced to a term of imprisonment. It is proposed to alter that, and, if this Bill passes into law, the procedure in future will be that the case will be dealt with and the suspension or cancellation of the licence will be by the adjudication of a Judge. It is considered that the Judges, through their experience in handling land cases are the best people to decide on such an important matter and a matter of such serious consequence to an individual. It is very difficult to ensure that a Board of Enquiry would have the experience or skill to give a ruling on such an important matter. At the same time with the redrafting of the clause the instances of misconduct which may entail suspension or cancellation of a licence have been more clearly set out. It is really just a change in procedure.

Now, in addition to ensuring to the public that only men capable of doing the work are licensed to survey, it is also a duty to the public that they should receive the fullest possible protection from unqualified men who pose as licensed surveyors and undertake survey work. Clause 6 of the Bill repeals existing section 8 and substitutes a new one. Certain further prohibitions have been added giving protection to the public and protection to the profession. Not only will the public be more fully protected but the members of the profession will be able to give better service to the public than in the past and there will be the protection which many people have asked me for.

I do not think there is any need for me to say anything about clauses 2, 4, 7 and 8 of the Bill. Clause 4 enables anyone who does not want to continue to be a surety to resign from his surety, and clause 7 is just an addition to the provision for regulations. Clause 8 adds some forms consequential to the Ordinance.

Sir, I beg to move.

The Hon. the Senior Resident Bornu Province :

I beg to second.

Bill read a first time.

THE LAGOS TOWN PLANNING (AMENDMENT) ORDINANCE, 1945

The Hon. N. S. Clouston O.B.E. (Commissioner of Lands and Director of Surveys):

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

"An Ordinance to amend the Lagos Town Planning Ordinance."

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This is a very simple little Bill, Sir, amending the Lagos Town Planning Ordinance. In that Ordinance, section 61, it is provided that the surplus funds of the Lagos Executive Development Board can be invested in British Government securities or securities guaranteed by the British Government. The Secretary of State from time to time issues lists of those securities which are considered suitable for investments of Colonial Government funds. It is therefore desired that the Lagos Executive Development Board should have the right to invest any surplus funds as favourably as the Colonial Government.

Sir, I beg to move.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony)

I beg to second.

Bill read a first time.

THE CAMEROONS UNDER BRITISH MANDATE ADMINISTRATION (AMENDMENT) ORDINANCE, 1945

His Honour the Chief Commissioner Eastern Provinces :

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

"An Ordinance to amend the Cameroons under British Mandate Administration Ordinance."

The Bill designed to amend the Cameroons under British Mandate Ordinance, seeks to apply various amendment to the Land and Native Rights Ordinance, 1885, of the Laws of Nigeria which have been made between 1924 and 1939 to the Cameroons under British Mandate. The need for the Bill, Your Excellency, is stated in the Objects and Reasons, and I propose only to invite attention to the salient features and amendments which the Bill seeks to apply.

The amendments contained in Ordinance 33 of 1924, 23 of 1926, and 23 of 1929 have been consolidated and are to be found on page 112 of the1933 Supplement to the Laws section 2 defines "rights of occupancy" and "occupier." Section 3 consequently deleted section 6 of the original Ordinance. Section 4 made revised provision for rent revision by deleting 7 (c) of the original Ordinance and substituting the following:

"to revise the said rental at such intervals as may be specified in the grant"

Section 5 repealed section 19 of the original Ordinance and inserted a revised section regarding the determination of rent. Section 6 inserted section 23 (a) which made provision for Your Excellency to grant a licence, with certain exceptions, to any person to enter on any land and remove therefrom any stone, gravel, clay, sand or other similar substance (not being a mineral within the Ordinance) that may be required for building or for the manufacture of building materials. Section 7 amended section 24 by adding 3(a) to provide for Your Excellency to make regulations regarding the licences paragraph L have just mentioned.

Ordinance 25 of 1933 made provision for Your Excellency to delegate powers to Native Administrations. This is a matter of importance in the Cameroons, for without this provision it might not be possible for Native Council, but which is of considerable importance to the Trade Union movement in Nigeria, and that is the question of accounts. Some time ago we prepared an amendment which was submitted to this Council dealing with the question of accounts of Trade Unions. By that amendment we attempted to ensure that the accounts of the Trade Unions should be properly prepared and properly audited and then submitted to the Registrar as required by law.

At the request of the Federation of Trade Unions of Nigeria—or as it is called, the Trade Union Congress—that amendment was withdrawn after it had been submitted to this Council, on the assurance of the Congress that they would take the matter in hand. That assurance, Sir, has not, I regret to say, been implemented.

I do not wish to press this matter unduly at this stage, but I am glad to have had this opportunity of bringing it to the notice of the Trade Union Congress and of the individual Trade Unions. I must make it clear that if matters do not improve, I shall have no option but to re-introduce the Trade Unions (Amendment No. 2) Ordinance, 1943, before this Council.

Your Excellency, I beg to move.

The Honourable G. L. Howe, Solicitor-General :

Your Excellency, I beg to second.

Bill read a first time.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1945

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

Your Excellency, I rise, Sir, to move the first reading of a Bill entitled : "An Ordinance to amend the Townships Ordinance."

As the law stands at present, the Governor has power only to approve or reject the estimates of a Township as a whole.

This Bill is designed, Sir, to enable approval being given to operate the provisions of the estimates which are approved, while leaving for further discussion disapproved items. At the same time the Bill preserves the existing power of the Governor to approve or disapprove the estimates as a whole.

The legislation proposed will avoid the delay in operating approved provisions of the estimates while discussion takes place regarding disapproved items.

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

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys) :

Your Excellency, I beg to second the motion.

Bill read a first time.

THE BIRTHS, DEATHS AND BURIALS (AMENDMENT) ORDINANCE, 1945 The Hon. the Senior Resident, Bornu Province :

Your Excellency, I rise, Sir, to move the first reading of a Bill entitled : "An Ordinance to amend the Births, Deaths and Burials Ordinance." Mar. 6, 1945]

As the existing Ordinance stands, Sir, the power of Native Authorities to make rules for registration of births and deaths is confined to persons born in Nigeria.

This Bill is designed to extend that power to cover all persons other than those born in Nigeria over whom these Native Authorities have jurisdiction.

Your Excellency, I beg to move.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys) :

Your Excellency, I beg to second the motion

Bill read a first time

THE WATERWORKS (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Public Works :

Your Excellency, I rise, Sir, to move the first reading of a Bill entitled : "An Ordinance to amend the Waterworks Ordinance."

This Bill regularises the existing procedure in cases where a wrong interpretation exists in regard to the class of persons liable for the payment of water rate.

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

Your Excellency, I beg to second the motion.

Bill read a first time.

THE LABOUR CODE ORDINANCE, 1945

The Hon. E. A. Miller (Commissioner of Labour) :

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

"A Bill for an Ordinance to amend and consolidate the law relating to Labour and to constitute the Labour Code for Nigeria."

This new Labour Code is designed to replace the Labour Ordinance, 1939, an Ordinance which in its existing state is incomplete and far from satisfactory.

Legislation is essential in order to bring the existing law into line with modern practice both in this and other countries, and also to implement the provisions of those international labour conventions to which this Government has from time to time assented, but which have not yet been placed on the Nigerian statute book. Further, the Department of Labour was constituted under Defence Regulations which will be repealed after the conclusion of hostilities, and it is accordingly necessary to fix by Ordinance the powers and duties which will normally be exercised after the war by the Commissioner of Labour and his officers.

The new Code incorporates the provisions of the Forced Labour Ordinance, 1933, and of the Labour (Wage Fixing and Registration) Ordinance, 1943. It thus includes all the provisions of the law relating to labour matters generally; special aspects of labour matters continue to be governed by separate Ordinances. It is divided into sixteen chapters, the contents of each chapter being set forth clearly in the index at the beginning and the source of the legislation (whether it is re-enacted from existing Nigerian law, or is based on the laws of other countries or on International Conventions) is explained in respect of each individual section in the comparative table printed at the end of the Ordinance.

Chapter I enumerates the powers of the Commissioner of Labour and of Labour Officers. These are extensive, but necessary if the labour organisation is to function smoothly. It is expected that in the early stages difficulties will be encountered owing to shortage of trained and experienced staff, and with a view to overcoming such difficulties provision is made in section 6 for training schemes for Labour Officers and Assistant Labour Officers, so that the required organisation may be built up as rapidly as possible. Under section 12, the age at which a person is deemed competent to enter into a contract is fixed at 16 or over. Section 14 gives power to the Commissioner of Labour, with the approval of the Governor, to require employers to furnish returns and statistics. These powers will be sparingly used so long as the war continues.

Chapter II deals with the protection of wages and ensures that a worker will be paid his wages in cash and not in kind and that he must be paid in full without deductions. Section 20 restricts the imposition of fines on manual workers. The imposition of fines on a worker, whose wages are no more than sufficient to provide a reasonable standard of living, frequently results in hardship on the man and particularly his family. As a measure of discipline in the case of bad workmen there can be no doubt that a system of graduated warnings, followed by dismissal if no improvement results, is far more satisfactory. Provisions of a similar nature have proved their value in other countries.

Chapter III includes a good deal of new legislation. The law at present stipulates that when a worker accepts employment which will necessitate his leaving Nigeria he must enter into a written contract in which certain conditions and safeguards are included, but it does not attempt to lay down the conditions which should apply to oral contracts inside Nigeria. Chapter III provides for these. This is a matter of great importance in a country where the majority of workers are locally engaged men, many of whom are unable to read or write. Section 31 provides that a minimum period of fourteen days notice must be given by either party to an oral contract in which the period of time is calculated by the month and wages are payable monthly, and that a minimum of seven days notice must be given in the case of weekly paid or daily paid workers. Powers are reserved to the Commissioner of Labour to exempt from the provisions of this section any special trade or industry in which he is satisfied that other equitable arrangements exist or in which casual labour is employed. Section 34 lays down that where a worker lives so far from his employment that he cannot reasonably return home at night he should either be provided with transport or with accommodation.

Chapter IV applies to all written contracts of employment either for work in Nigeria or abroad, except to contracts of apprenticeship. It is based on the Contracts of Employment (Indigenous Workers) Convention, 1939, Mar. 6, 1945]

Dealing first with contracts for work within Nigeria, the important point to note is that there must be a written contract :

(1) when the contract of employment is made for a period of or exceeding six months;

(2) when the conditions of employment differ materially from those customary in the district of employment for similar work, or;

(3) when the work is to be performed outside an area of twenty-five miles from the place of engagement or from the worker's home.

When a written contract is made it must contain the particulars stated in section 43 regarding its duration, the nature of the employment, rate of wages, manner of payment, manner of termination and so on, and must be attested by a Labour Officer. Every worker who enters into a contract must be medically examined. Other sections deal with such matters as repatriation, provision of transport, duration of contract and of re-engagement contract and do not call for detailed examination.

These requirements may appear at first sight to be onerous and to call for a large increase in the volume of clerical work for employers, but in fact they do not differ to any material extent from accepted practice throughout the country.

The provisions which we have just noted and which are laid down in Parts I and II also apply to contracts of service outside Nigeria, but in addition there are the special provisions in Part III. These relate to the duration of such contracts, the liability of the employer to repatriate and the very important safeguard, viz. that if the employer fails to fulfil his obligations to repatriate a worker on the termination of his contract, these obligations shall be discharged by the appropriate authority in this country. Part IV provides for some relaxation in the conditions in the case of the transfer of workers to branch establishments of the same employer in West Africa.

Chapter V deals with the recruitment of Labour for employment both within and without Nigeria and closely follows the wording of the Recruiting of Indigenous Workers Convention. Provisions exist in the present law for the enforcement by regulation of the requirements of the Convention in regard to actual recruiting operations, but it is considered desirable to set out all the main features of the Convention in the Ordinance and to leave only minor details to be settled by regulation.

Chapter VI dealing with Forced Labour, reflects the provisions of the existing law on the subject, and the First Schedule to the Ordinance re-enacts the Forced Labour Regulations. One important amendment has been made, which will be found at clause 9 of the First Schedule on page 97. The weight of the maximum load which a carrier may be required to carry. has been reduced from 65 lb to 50 lb thus bringing the Nigerian law on this subject into conformity with the law of East African Colonies.

Chapter VII re-enacts, with a few minor improvements, the existing legislation relating to Labour Health Areas.

Chapter VIII includes the provisions of the existing law on the subject of apprentices, but the Chapter has been expanded in order to bring the law up-to-date and in conformity with the Apprenticeship Recommendation of 1939 made at the International Labour Conference. Chapter IX deals with the Employment of Women. This chapter is based on a number of international conventions where the views expressed and the recommendations made are without doubt greatly in advance of the general level of established practice in Nigeria. The recommendations of the International Labour Conference are, however, a valuable guide to the path which the laws of most countries are likely to follow in the near future, and it is considered that our local legislation should, whenever practicable, keep pace with the reforms advocated by them. In Nigeria the number of women engaged in industrial or commercial undertakings is very small, and at this stage the effect of the new legislation will be slight. It is intended, however, to insist on certain principles being made clear in the law, so that if and when the employment of women in commercial and industrial undertakings becomes more usual employers will be aware of what standards are expected where women are employed.

Chapter X deals with the Employment of Young Persons and includes for the first time the provisions of a number of international conventions which have been agreed to but have not previously been legislated for. The provisions of this Chapter are in addition to those of Chapter VIII relating to Apprentices.

Chapter XI dealing with conditions of employment in Clerical and Domestic Service is entirely new legislation. It makes it compulsory for all clerical workers whose annual salary does not exceed £75 to enter into written contracts of employment in which the conditions of employment enumerated in section 181 must be clearly stated. This is already the usual practice of the best employers in Nigeria, and it is desired to bring other employers into line with the best practice. Numerous cases of misunderstanding leading to friction between employers and clerical employees will be avoided if a written contract is entered into at the time of engagement, setting out clearly the terms of the agreement. It happens too frequently under the existing law that disputes arise at the time a contract is terminated. Section 184 empowers the Commissioner of Labour, with the approval of the Governor, to make regulations for any particular undertaking or class of undertakings for regulating the hours of work or providing holidays with pay or providing for sick benefits or approving sick benefit schemes made by the employer of clerical workers. Section 185 gives the Commissioner of Labour power, with the approval of the Governor, to make regulations providing for the engagement, repatriation and supervision of domestic servants-a class of employee which, owing to the close personal relationship existing between master and servant may need special consideration.

Chapter XII deals with contracts relating to Shipping and re-states the existing law with some improvements. In particular, by clause 186, a master of any ship is required to include in any agreement made with a seaman adequate provision for the maintenance and repatriation of the seaman if he is discharged at any port outside Nigeria. Section 193 empowers the Commissioner of Labour with the approval of the Governor, to make regulations in respect of workers leaving Nigeria by aircraft or motor transport to serve as workers outside Nigeria. This section is not of great importance in existing conditions but it will become so when improved methods of transport are in everyday operation.

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Chapters XIII and XIV re-enact the existing provisions of the Labour (Wage Fixing and Registration) Ordinance, 1943, with very slight amendments and re-arrangement of the order of the sections to separate those dealing with Labour Advisory Boards and Minimum Wage Fixing from those dealing with Registration. An improvement worthy of mention has been made in section 200. At present Labour Advisory Boards in the Protectorate can be set up for certain areas—under the new law they can be established *ad hoc* to enquire into the conditions of employment of any particular industry or occupation.

Chapter XV which is based on legislation which has proved valuable in other countries, provides that where breaches of contract or disputes occur (other than Trade Disputes) the aggrieved party may make a complaint to a magistrate's court which can either deal with it summarily or order it to be dealt with in a civil action. The principle aimed at is ease or redress for either party to a contract of employment and the avoidance of unnecessary expense.

Chapter XVI dealing with miscellaneous matters calls for no comment at this stage.

I have been made aware, Sir, in the last few days that several Honourable Members feel that the publication of this Bill has been followed far too closely by its submission before this Council, and that insufficient time has been given for consideration of such an important measure I must admit that to some extent I sympathise with that view, but there are considerations, which I will reveal at a later stage if necessary, which make it important that the Bill should be proceeded with without delay. It will be appreciated that an Ordinance such as this may not, and in fact can not, be introduced with full effect from the date it first comes on the Statute book. The process must of necessity be a gradual one, with ample time for both employer and employee to adjust themselves to what is new, to test by practical experience what is good, and, by mutual agreement and co-ordination, to readjust any provisions which time or experience may show to be unworkable or inexpedient. In view of those discussions which I have had in the course of the last day or so, I am authorised, on behalf of Government, to give a definite assurance that the Bill will not be brought into operation in any circumstances before the 1st of January, 1946. In the meantime, at as early a date as possible, I propose to consider the Bill in detail with employers of labour and representatives of the Trade Unions or other labour representatives, if they so wish, and to bring before the next meeting of Council any amendments that may be thought of. I will go further, and say that where an amendment has been agreed, the existing law will not be applied until that amendment has been made law. I think, Sir, those are the wishes of those members who, with some justification perhaps, said they have had insufficient time to consider the Bill.

I would conclude by saying I feel confident that I shall have the co-operation of Honourable Members, and that in due course this Bill will become not only of the greatest possible benefit to Nigerian industry, but will become a model to other countries.

Sir, I beg to move.

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Again Sir, in paragraph 15 of Your Excellency's despatch which forms the subject of Sessional Paper No. 4, it will be seen that Hausa is intended to be the language of both the Hausa Chiefs and the House of Assembly in the Northern Provinces.

So, Sir, with this description of the Literature Bureau, how it came to be, what it is intended it should do, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a first time.

THE NATIVE COURTS (COLONY) (AMENDMENT) ORDINANCE, 1945

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

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

" An Ordinance to amend the Native Courts (Colony) Ordinance."

When Native Administration was first introduced into the Colony the powers accorded to Native Courts were very lengthy but did not extend to land cases. In recent years considerable progress has been made by almost all Native Courts and in most cases they have been granted standing jurisdiction. There has also been a request from the Native Authority that the Native Courts should have power to hear land cases, and at the Conference of Colony Native Authorities at the end of last year a resolution was passed to that effect.

Sir, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a first time.

THE NATIVE COURTS (AMENDMENT) ORDINANCE, 1945

His Honour the Chief Commissioner, Eastern Provinces :

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

"An Ordinance to amend the Native Courts Ordinance."

Clause 2 of the Bill makes provision for a Resident subject to the direction of Your Excellency, to require a District Officer to preside over a Native Court when the Resident considers it necessary. Under section 23 of the Native Courts Ordinance, Your Excellency is empowered by order to require that the District Officer shall sit as President of a Native Court in the first instance, or of Appeal when certain classes of cases specified in the Ordinance are being determined. In 1934 Your Excellency made an Order, which reads as follows:—

The District Officer shall sit as President of all Native Courts of Grades B, C and D in the Southern Provinces, whether such courts are sitting in the exercise of original jurisdiction or as Native Courts of Appeal, whenever any such Native Court hears any suit or appeal relating to the ownership, occupation or possession of lands where the parties to the suit or appeal are not members of the same village or village group. This Order, Your Excellency, had to be revoked on account of shortage of staff. It was too great a burden on District Officers in the period of the war when staff became so short. Yet it is advisable that the District Officer shall sit as President of Native Courts in certain cases. Clause 2 is intended to enable whatever action may be necessary to be taken. Clause 3 is intended to amend section 25 of the original Ordinance to enable a Resident to review a case in a Native Court before the expiration of three months and the determination of proceedings before the District Officer. At present the section reads :

The powers conferred upon a Resident and District Officer by subsection (1) and upon a Resident by sub-section (2) shall not be exercised after the expiration of six months from the termination of the proceedings in the Native Court.

The section also made provision for an adjournment but the application had to be made prior to the expiration of six months and determination of proceedings in the Native Court. The outcome of this is that if a District Officer delays his review Resident may be precluded from exercising his powers of review. This, Your Excellency, is obviously unsatisfactory, and clause 2 is designed to rectify this. Clause 4 is new and is adequately explained in the Objects and Reasons. Clause 5 is designed to make it plain that Grade A Native Courts possess complete jurisdiction in civil matters. The existing warrants of Grade A Courts read—

Full judicial powers in all civil actions and criminal causes but no sentence of death to be carried out until it has been confirmed by the Governor.

Certain doubts have been expressed as to whether such Courts have full powers in civil cases and this clause is designed to make it quite plain that they have such powers.

Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE APPOINTMENT AND DEPOSITION OF CHIEFS (AMENDMENT) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces :

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

"An Ordinance to amend the Appointment and Deposition of Chiefs Ordinance, 1933."

The original Bill was passed in 1930 and is limited in its application to all chiefs in the Colony of Nigeria and to Head Chiefs only in the Protectorate.

The object of this amendment is to make the original Ordinance applicable to all Chiefs both in the Colony and in the Protectorate.

A chief is defined in clause 7 and it should be emphasised that this Bill is not intended to apply to person who are known as chiefs but who have no official connection with Native Authorities. Secondly, all posts carrying salaries of *under* f_{100} a year which are not pensionable to be declared no longer pensionable, subject to the acquired rights of their present holders, who will remain pensionable themselves, but their successors will not be pensionable.

Thirdly, it is proposed that all employees who retire, after ten years' or more of service, from posts with salaries or maximum salaries of $\pounds 50$ or over, but under $\pounds 100$, should be eligible for annual allowances. These allowances will be equal to the pensions which they could have received if they had been pensionable officers; but they will not be eligible for the gratuities which pensionable officers receive in addition to their pensions.

Finally, all other non-pensionable employees, that is to say, those with less than ten years' service or salaries less than £50 a year, will be eligible for *ex gratia* gratuities at the new and higher rate of one-twentieth of a month's pay for each month of their service.

Well, Sir, we wish to introduce this new scheme as soon as possible, but in the meantime we have to consider the case of several thousand employees who are at present obliged by law to contribute to Provident Funds, and who obviously cannot be given the benefits of the new superannuation scheme so ong as they continue to contribute to Provident Funds. And that is where this Bill comes in. It provides, in the first place, that no officer may become a member of a Provident Fund from and after the 1st April, 1945. Secondly, it provides that any officer who is a contributor to a Provident Fund at that date may, within one year, elect to cease to contribute to it. If he so elects, his contributions to the Fund, plus interest, will be returned to him; the Government or Railway bonus standing to his credit in the Fund will be credited to revenue (or in the case of the Railway Provident Fund, to the Railway Pensions Reserve Fund); his service under the Provident Fund will be treated as if it had never been, and he will become eligible for the benefits of the new superannuation scheme, according to the length of his service and the-amount of his salary on retirement. If, for example, his post carries a salary or maximum salary of £100 a year or over, he will become a pensionable officer.

It is probable that large numbers of employees will wish to leave the Provident Funds in order to have the benefits of the new superannuation scheme; and since there will be no new entrants to the Provident Funds after the 1st April next, the remaining contributors to the Funds will become an expiring class; the Funds will gradually die out, and the whole of the African staff will come under the new superannuation scheme.

Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

Sir, I beg to second.

Bill read a first time.

THE NIGERIAN GOVERNMENT RAILWAY PENSIONABLE OFFICES (RETURN OF CONTRIBUTIONS—AMENDMENT) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to amend the Nigerian Government Railway Pensionable Offices Ordinance, 1943." coming to the Secretariat a few weeks before I submitted this Resolution to

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When the principal Ordinance which this Bill seeks to amend came into effect in 1943, a number of Railway servants, who were then contributing to the Railway Provident Fund took advantage of the provisions of that Ordinance to elect for pensionable status instead of Provident Fund status, and they are now placed in pensionable posts.

The Ordinance provides that in such cases the contributions which those officers have made to the Fund should remain in the Fund until they retire from the Service. That provision caused a great deal of dissatisfaction, since many of these officers wanted to get their contributions back at once, and the question was brought up in this Council last year.

It is now proposed, as I have just explained in connection with the Bill just read a first time, that an officer serving under the Railway Provident Fund will in future have the right to withdraw from the Fund, and if he so elects, that he will have his contributions plus interest thereon returned to him at once.

It is obvious, therefore, that those Railway officers who elect to leave the Railway Provident Fund in the past should be given no less favourable treatment in this matter than those who may elect in future to leave the Fund. This Bill, therefore, gives those Railway officers the right to receive the whole of their contributions if they wish to have them and elect to have them within six months.

Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE INTERPRETATION (AMENDMENT) ORDINANCE, 1945

The Honourable the Attorney-General :

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

"An Ordinance to amend the Interpretation Ordinance, 1939."

Sir, Honourable Members are fully aware that scattered throughout our laws there are powers given to certain bodies to make subsidiary legislation and to impose fees in respect of certain matters but it frequently happens that the work, or the duties, or the proceedings for which the prescribed fees should be paid are matters connected with the working of some Government Departments, and in such circumstances it is not desirable that these feer tould be paid. There may be certain cases where in accordance with G rnment policy a document is to be registered, in which case there should ' o registration fee charged in respect of these matters. That is just an nple. Unless provision for this authority to waive is actually inserted he Bill, there is no discretion left on the part of the body making the visidiary legislation.

The amendment proposed by this Bill, Sir, provides that wherever authority given for a subsidiary legislative making body to impose fees, that body is given full discretion to say whether those fees are to be waived, remitted, or uced in consideration of special types of matters, or under special condi-

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know what might have happened to the cocoa industry without that help. But I do say emphatically, Sir, that control of the nature proposed will not give satisfaction to our people. I think it will be as strongly resented as in the case of the Pool.

When I first heard of the proposals, and of the White Paper I had the impression that Government was going to exercise control in a general way, and that the idea of the control was to see that all violent fluctuations in cocoa which had had a very harmful effect on the trade in the past would be prevented and that the farmer would be assured of a steady price. I thought at the time that would be a very good thing. But when I got a copy of the White Paper itself and read it through I found that there were quite a number of points which we took objection to. The very first objection is that the White Paper was prepared without consulting a single interest in this country, neither the cocoa producer nor any of those elements interested in the cocoa trade. We appreciate the grandfatherly way in which we are treated by the Government but a time comes when we just think we have had enough of it. I know quite a number of us are accustomed to think of the "bushman" or farmer as a simpleton, but I don't think he is such a fool as we take him to be. He is a shrewd man and knows where his bread is buttered. I think the first thing, before a Paper of this kind was issued, should be that we should have been consulted and our views taken. As far as Government trading is concerned, as is proposed in the White Paper, Sir, I do not think it is only in this country, but in most countries, is not always looked upon with favour, and I am sure, Sir, that Your Excellency would be the last one to wish that your Government should engage in trading activities.

What we were thinking might happen, and what we expected that Government might do in order to help the industry, was to secure some minimum price level for the producer. I asked a question leading to that, but I see no reply in the order paper to it. In the question I refer to I asked whether the Agricultural Department had ever taken the trouble to investigate the economy of the cocoa industry to find out exactly how much it cost the farmer to produce a ton of cocoa. Well, Sir, I have taken the trouble to make investigation. As a matter of fact, I was at the head of the voluntary mission sent to different parts of the Yoruba country in 1938, and we went thoroughly into the whole thing and discovered it would not cost anything under £35 to produce a ton of cocoa. Now I know quite a number of outsiders would think this figure high. They believe the farmer and his wife and children do the cultivation and therefore the cost of production could not be anything so high. People not acquainted sufficiently with the country still think of the Nigerian farmer as the naked bushman surrounded by his wife and children doing what little work they could and resting happy and content under the palm trees thereafter. Those days are over. Even the smallest farmer today employs labour and labour costs something. The needs of the farmer himself and family have become greater. Now this Government has given the lead by raising the wages of labour in this country, and the Commissioner of Labour would see to it that proper labour rates are paid to labour. So it is not surprising when we discovered it really costs £35 to produce a ton of cocoa.

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What we ask of this Government, Sir, is that some minimum level should be fixed for cocoa, and, if necessary, when the market price does not reach that level, for Government to subsidise the industry by making up the difference. Of course I may be asked where the money is going to come from. Well, Sir, in the last two or three years we have come to this Council time after time and have voted hundreds of thousands of pounds—for Cost of Living Allowance to Government officials, separation allowances to Government officials, Cost of Living Allowance to teachers in assisted schools, Cost of Living Allowance to Native Administrations employees and so on. But what have we done for the farmer ? I suppose some of us must believe that the farmer is like the fabled bird, the pelican, which feeds its family and itself on its own blood. I am sure the farmers of this country do not get nourishment that way.

Now I come to the next point, Sir, and that is the question with regard to the profits which have been made by the Board. It is suggested here, Sir, that part of the profits should go towards research and that part of it should be used in creating a Fund which would be used as capital for financing future purchase of cocoa. The reason given why it is proposed to employ the cocoa farmers' profits in this way is that it would not be practicable to attempt to return to each producer his precise share of the profits, proportionately to his production, for the reason that in West African Colonies cocoa is normally produced and marketed in small quantities by many thousands of small farmers, and the detailed records necessary for such division of profits do not exist. I think that explanation is very unsatisfactory. Cocoa is not an annual crop. I see no difficulty in arranging for the profits to go to the producer. It takes five years for cocoa to grow to maturity, and I am perfectly certain no new farmers have entered into cocoa growing in the intervening five years between 1939 and now, and therefore it is quite easy to return the profit to the farmers. The profits could be distributed by adding it to the price paid each year and we can be sure it will go to the same people who have been selling cocoa since 1939. I believe my arithmetic is right, Sir, and I have taken the trouble to work out the figures, it is that on the basis of say 70,000 tons of cocoa production annually the proportion on the Nigeria's share of the profit would work out at something like £17 a ton. Why don't we distribute that profit over three years, say, and give an additional 1.5 per ton every year on top of the ruling market price at the time. And again. I notice also that we are going to set aside a portion of the profit for research. Nobody welcomes more, Sir, than ourselves that everything should be done in the way of research for the benefit of the cocoa industry. But why should the cocoa industry have to finance its own research ? What about research in palm oil, research in groundnuts, and other products. Why must it be the cocoa farmers always who must give up everything. It pays so much in export duty. Even the Native Administration I understand collect their own quota. Why must it always be the cocoa farmer who suffers? I think it very desirable that money should be spent for research, but I think, Your Excellency, that this Government should find the money, and not the cocoa farmer who should pay the cost.

I have very little more to add, Sir, except to ask that Your Excellency and Government will kindly recommend to the Secretary of State that the

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- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.
- The Director of Public Works, The Honourable H. E. Walker, C.B.E.
- The Acting Director of Agriculture, The Honourable A. G. Beattie.
- The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member).
- The Honourable G. L. Howe, Solicitor-General (Extraordinary Member).
- The Honourable N. S. Clouston, o.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).
- The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member).
- The Honourable B. E. Frayling, o.B.E., Chief Inspector of Mines (Extraordinary Member).
- The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar, The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division, Dr the Honourable N. T. Olusoga.

The Mining Member, Lt.-Colonel the Honourable H. H. W. Boyes, M.C.

The First Lagos Member, The Honourable Jibril Martin.

- The Commercial Member for Lagos, The Honourable J. F. Winter.
- The Second Lagos Member, Alhaji the Honourable Jibril Martin.

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

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Member for the Ondo Division, The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member, The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division, The Honourable Akinpelu Obisesan, granted leave to see their home and return after a specified time as it is the case with their European colleagues? If such provision has not been made, will representations in their behalf be made now to the military authorities for consideration?

Answer-

The Hon. the Chief Secretary to the Government .

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- The Member for the Warri Division, The Honourable J. Ogboru.
- The Third Lagos Member, The Honourable E. A. Akerele.
- The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.
- The Member for the Ibo Division, The Honourable E. N. Egbuna.
- The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.
- The Member for the Egba Division, The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

- The Senior Resident, Zaria Province, The Honourable F. M. Noad.
- The Senior Resident, Calabar Province, Major the Honourable H. P. James.
- The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.
- The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.
- The Resident, Ilorin Province, Captain the Honourable J. P. Smith.
- The Resident, Ondo Province, The Honourable E. V. S. Thomas.
- The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.
- The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

- The Commercial Member for Kano, The Honourable W. T. G. Gates.
- The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 6th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed, (d) By section 12 of the Customs Tariff Ordinance, 1941 (No. 63 of 1941) the value for the purpose of assessing duty *ad valorem* is the price the goods would fetch on sale in the open market in Nigeria at the time of importation.

(e) Yes, in accordance with the answer to (d).

(f) No, as it is not necessary in view of the answer to (d).

(g) None, Sir. The feeding of Nigerian labour employed in Fernando Po is provided for by Article 24 of the Spanish Labour Treaty 1942, whereby employers of labour are required to provide adequate foodstuffs for their employees in addition to whatever salary they may be entitled to.

(h) No.

(i) £4,707.

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

122. To ask the Honourable the Chief Secretary to the Government whether the recommendations of the Nowell Commission on the marketing of West African Cocoa, published in 1938 as Command Paper 5845 have been abandoned by Government?

(b) Will Government lay on the table of this House the report by the Kelly Committee appointed in Nigeria early in 1939 and which took evidence at Moor Plantation at Ibadan in April of that year with a view to carrying out the recommendations of the Commission on the marketing of West African Cocoa as they affect Nigeria?

(c) Has Government any intention of acting on the recommendations of the Kelly Committee when normal peace conditions return?

Answer-

The Hon. the Chief Secretary to the Government :

(a) The recommendations of the Nowell Commission on the marketing of West African Cocoa and the recommendations of the Kelly Committee were both the subject of careful consideration prior to the preliminary statement as to future policy laid down in Part II of the recently published White Paper. The Honourable Member will note that in that statement there is specific reference to the necessity for avoiding excessive price fluctuation, and the need to encourage the Co-operative movement, two of the principal points made by the 1938 Commission and the Kelly Committee.

(b) No, Sir. The Report of the Kelly Committee has already been published as Sessional Paper No. 20 of 1939.

(c) The Honourable Member is referred to the reply to part (a) of this question.

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

137. (a) How many Mission Hospitals are there in Nigeria?

(b) What are the Missions owning them and how many are owned by respective Missions?

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(c) How many of these are registered for training Midwives?

(d) How many of these are registered for training nurses in general medicine and surgery for Part 3 of the register of nurses? (e) What grants are given to aid these Hospitals?

(f) Is it true that many Provinces in Nigeria would have very little Hospital medical treatment whatever but for the existence of Mission Hospitals?

Answer-

The Hon. the Director of Medical Services:

(a) There are twenty-six Mission Hospitals including Leper Settlements in which Missions co-operate.

(b) The names of the Missions together with the number of hospitals owned by them or leper settlements in which they participate are as follows:-

Sudan Interior Mission	 4
Sudan United Mission	 2
Dutch Reformed Church Mission	 1
Church of the Brethren Mission	 2
Roman Catholic Mission	 3
Church Missionary Society	 3
0	 4
Church of Scotland	 4
American Baptist Mission	 1
	 1 (closed)
Seventh Day Adventist	 1

(c) Fifteen.

(d) Seven hospitals are registered for training in general nursing.

(e) Grants-in-aid are at present restricted to Leprosy work for which £11,000 was voted last year.

(f) No, Sir. There are sixty hospitals (Government and Native Administration) and 432 Native Administration Dispensaries also fifty Government Dispensaries for Sleeping Sickness at which general treatment is also given.

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

138. In those divisions where there is no Government Hospitals and the Mission doctor is called upon for emergencies, treatment of all the population, African and European, court examination of recruits what help is given in the way of transport, equipment, drugs, electric light facilities, water supply, laboratory equipment, telephone and postal services to ensure that this work will be maintained?

Answer-

The Hon. the Director of Medical Services:

In no division in Nigeria can either Government or a Mission Hospital treat all the population. The Mission Hospital or doctors receive the statutory fees for treatment of Government officers and employees: they charge fees for treatment of the general population; the Mission Doctor receives the statutory fees and transport expenses in connection with postmortems, court evidence, examination of recruits, etc. From time to time grants have been given to Missions for specific services but the supply of free equipment, drugs, electric light, water, or concessions in regard to telephone and postal services are not given, as assistance in this way would constitute concealed expenditure or subventions.

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

144. To ask the Honourable the Chief Secretary to the Government:-

(a) Is it a declared policy of Government to merge subsidies payable to Chiefs in Nigeria with Native Administration Revenues?

(b) What towns in Nigeria are in receipt of subsidy, and what amount is payable annually to each town?

Answer-

The Hon. the Chief Secretary to the Government :

(a) No, Sir.

(b) Subsidies are not paid to towns but to individuals.

BILLS

(Second Readings.)

THE 1945-46 APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary :

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

- "An Ordinance to appropriate the sum of Sixteen Million, Thirty
- Thousand and Fifty Pounds to the service of the year ending on the thirty-first day of March, 1946."

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

I beg to second.

The Member for Calabar (The Revd. & Hon. O. Efiong) :

Your Excellency, I rise to support the Appropriation Bill that has been so well and enthusiastically moved by the Honourable the Financial Secretary to the Government and seconded by the Honourable the Development Secretary. Let me first, Sir, refer to your speech and the Address. As Members from the Provinces, we have not met your Excellency for a whole year, it is therefore my first duty to extend to you my hearty thanks and salute you on behalf of my constituency. Your Excellency, I heartily thank and congratulate you for the epoch making speech that you have delivered, and the excellent Address you have laid on the table of this honourable house. They are very comprehensive and informative. They are documents which should be the proud possession of everybody who is conscientiously and seriously a well wisher of Nigeria. I mean those who thirst and hunger after economic, political and social development of Nigeria. It is a document that should be read, marked and inwardly digested. It is the first of its kind with respect to clarity of matter and vision. In it the foundation of Nigerian

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Government is well and truly laid, a target is set and appropriate measures to achieve the same are delineated. It contains and summarises the policy and plan for the future government of Nigeria. Sir, I hope it will be stocked in every important bookshop in the country so that it might reach the hands of the masses of the people. Again I thank you for the importance and emphasis laid on the development programme and the planning of the country. In page 4 of Your Excellency's Address you pointed out that our expenditure must necessarily keep soaring for a number of years yet to come, if our Development programme must materialise and that if the figures alarmed Honourable Members they should entertain the consolation that Government's policy is one of an all-round and all-out development. Your Excellency, I only have to say that we admire your courage, and stout heart, and that we have caught the fire; we must emulate such a captain and be prepared to take the risk. We pledge whole-heartedly our unstinted support to your leadership and shall co-operate with you until the dawn of our political, social and economic emancipation.

Now I want to say a few words about the Estimates. The Honourable the Financial Secretary in his able and impressive speech with which he proposed the Appropriation Bill, surveyed the whole financial position and policy of the Government. His speech, though brief, was very pithy, and he was all radiant for it. But we fear Sir, our ever mounting expenditure, if we take a long term view of our financial security. We strongly advise that everything should be done in order to maintain sufficient surplus every year, but not at the expense of any vital and essential social services. May I reiterate the oft repeated advice, Sir, that definite steps be taken to study expenditure under the head of Personal Emoluments in order to see what economy can be effected. I shall, however, refrain from further criticism of the Estimates until we get to the Committee stage when we shall have ample opportunity to examine them department by department.

I have some few observations to make, Sir, with regard to the general trend of events leading to this Session. Honourable Members were much dissatisfied in that the Estimates did not reach them in time to give sufficient chance to prepare to pull their weight at this Session. I got mine since I arrived here and many members got theirs very late too. When we think of Bills like the Magistrates Court Ordinance, the Minerals Ordinance, the voluminous Labour Code Ordinance and the large number of other Bills to be gone through, we feel, Sir, we have not been fairly treated. We respectfully submit therefore, Sir, that measures be taken to see that we are served in time. It is within my experience, Sir, that papers to be discussed used to get into the hands of the Honourable Members of this Council a month or three weeks ahead of Council.

Now this is the very next Session after the Budget Session of 1944. We were kept in suspense. What a long recess ! We wondered whether it was going to be the policy to have one session of Legislative Council a year. If we had met between the last Budget Session and this we would have avoided the accumulation of these Bills. Therefore we would plead that Government should change tactics.

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I shall now examine the departments one by one. I must first refer to the Education Department. I realise, Sir, that we are passing through a very difficult time, but when I think of the splendid work of this department I cannot resist to thank and congratulate the Director of Education for his stupendous efforts to overhaul the educational machinery of this country. We trust his work will lay such a solid foundation on which any future super-structure will stand. We appreciate the appointment of a woman as Assistant Director of Education, but regret the long suspense imposed on this department by the fact that the Elliot Commission on higher education for West Africa has not yet been able to release its report as on it the final formulation of plans depends. In his Address, His Excellency mentioned emphatically one weakness of this department, namely shortage of competent teachers.

I foresaw this many years ago and I respectfully, insistently and clamorously pointed out this weak link in our educational chain. I came prepared to deal enthusiastically with the question of the scheme of security for teachers in non-Government schools, but I must say, Sir, I am completely disarmed by the satisfactory reply that the Chief Secretary gave to one of the questions raised by the Honourable Member for Calabar, to wit Question 9: "To ask how soon Government will put into operation the scheme of pensions for teachers in the assisted school." The answer, Sir, is : "On the 1st April, 1945, if the Secretary of State approves certain proposals which this Govern-ment has submitted to him." I have only to add Sir, that the scheme be made operative retrospectively from the date the Secretary of State gave his approval to this scheme in principle. We view with satisfaction certain reforms this Department is undertaking, such as the re-organisation of the Board of Education. (Some of us suggested this many years ago), the formation of Regional Education Boards of Northern, Western and Eastern Provinces and the making of the Central Education Board to sit in rotation in each of the Protectorate capitals. Yet I have to emphasise the need for technical education, education with agricultural and industrial bias, secondary and domestic science schools for girls.

Time will fail me to refer in detail to the scheme for anti-Illiteracy Campaign for Nigeria as a whole as envisaged by the White Paper—" Mass Education in African Society." We have to thank Government for the increase to the tune of \pounds 143,350 of the expenditure to this department for the ensuing year.

Secondly, Your Excellency, I beg to refer to the Medical Department, a department whose responsible and extensive social services are incalculable. The people of this country are becoming very appreciative of the immense value and importance of this department. They are placing increasing confidence in the medical facilities their hospitals are offering. This Your Excellency answers the clamorous demands for extension of medical facilities and services to untouched territories. We acknowledge with profound gratitude the increased expenditure also allocated to this Department. We congratulate the Director of Medical Services for the splendid work, the solid foundation laid for future development. We appreciate the emphasis on adequate medical staff, and staff for Nutritional survey. We request, Sir, that this Survey should be made very extensive and thorough. It should not be a case of concentrating in Lagos and the West only. We want this Survey

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on Nutrition to reach us in the Eastern Provinces, particularly in the Calabar Flovince, where I can say with a certain degree of accuracy that malnutrition is our chief complaint and is doing its worst. It is time, Sir, that I remind the Director of Medical Services of our petition made very many years ago that Calabar be restored to its former status as Senior Medical Officer station. It was one of the first S.M.O. stations, and if she has committed any fault for which she has been suspended it is time this privilege be restored to her; the whole of Calabar Province is served by the S.M.O. from Owerri Province who can only give a most fragmentary time for supervision owing to pressure of work. We have suffered long and patiently from this underserved situation. We have senior Resident, senior District Officer, and senior Education Officer and we think it is time our Senior Medical Officer should return to us. Again we long to see the proposed Infectious Diseases Hospital in Calabar built and the present I.D.H. removed. Situated as it is in the midst of the residential quarters, the present I.D.H. has become a menace and constitutes a dangerous zone. We beg to state that the distribution of staff among the Hospitals is to a certain extent disproportionate. In answer to question No. 3 asked by the Honourable Member for Calabar it was revealed that :--

In 1941 Lagos Hospital had 231 beds to ninety-three nurses, and Calabar Hospital had 102 beds to twenty-two nurses. In 1942 Lagos Hospital had 246 beds to eighty-four nurses, and Calabar Hospital had 124 beds to twenty three nurses. In 1943 Lagos Hospital had 246 beds to 120 nurses, and Calabar Hospital had 124 beds to twenty-four nurses, so that while Lagos in 1943 had about one nurse to two beds Calabar had one nurse to five beds. As the nursing work is done in relays of say 25 per cent of the total number of nurses serving it means, while Lagos has a nurse to eight beds, Calabar has a nurse to twenty beds. We submit, Sir, that adjustment is necessary. Your Excellency, it seems also that petitions are again coming from so many wings of this department, clamouring for better conditions of service. The students of the School of Pharmacy clamour for better initial pay. In 1936 the initial salary of this group of people was £88 per anuum whereas at present it is £66 per annum. The Assistant Medical Officers, the Yaba graduates demand better consideration also with respect to their minimum and maximum salary. Their case has been a subject of much discussion and controversy in the Press and I do not want to enlarge on this. Suffice it to say Sir that I submit that Government should take instant steps to ameliorate the situation because we want to avoid the sad experience of the teaching profession repeating itself in this case-members of the profession resigning for better prospects. It has begun to occur already in the rank of Assistant Medical Officers of this department. This is a time Sir for development, and staff is very very important asset. I would not suggest for a moment that high pay be made a criterion for entry into some of these services for if I did I would be guilty of suggesting prostitution of the service and the noble spirit that should actuate it. We have to avoid anything that will attract the wrong type of persons to the services. We do not want candidates who are actuated by mercenary motives. My own profession for instance is the least paid purposely to keep out unworthy candidates.

As a reference to the bishops of his days Ruskin was heard to say : "Blind mouths who climbed into the fold for their belly sake." Your Excellency

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the people by the people through their traditional institutions, customs and laws, in so far as these institutions, customs and laws are constitutional, and not repugnant to natural justice and good conscience. In that case the Government administrative officers should only act in an advisory capacity, but what really obtains is the reverse. The whole show is run by the District Officers, more or less, and this baffled Native Administration members in regard to themselves as mere tax-collectors to the Government and the Native Authorities. They have no status : it is a situation which calls for a thorough examination. I appeal to Government to do that. Before leaving this subject, Sir, I would also like to ask that a pension scheme should be organised for the staff of the Native Administrations and that their conditions of service might be improved generally in proportion to their qualifications and responsibility.

Your Excellency, the time at our disposal has been so limited that it is very difficult to examine and criticise your past activities between the last session and this, and I shall, therefore, turn my attention to Sessional Paper No. 6 the subject of which is a Preliminary Statement on the Development Plan in Nigeria. Your Excellency, this Sessional Paper No. 6 of 1945, laid on the table of this honourable House, brought much joy and gratification and satisfaction to me personally, and I believe, to all the Honourable Members of this House. I have the pleasure, Sir, of expressing my concurrence with the general layout and substance therein contained. It is a work of experts and of people who, in sincerity, seek the welfare of Nigeria. I can visualise a really happy future for Nigeria. My great difficulty in the whole scheme is the fact that matters may be delayed because of want of staff again. Government should do all in their power to draft in men. I want to say that, hitherto, the European personnel drafted into the service of Nigeria have assumed too much. They assume in the first place that they know the people of the country more than the indigenous natives : I feel that is a mistake, and if our development scheme must materialise, the reverse should be the position. I give every credit to their advanced, civilised and educational background, but I want to emphasise, Sir, that the people who are born and bred in their own society here, know more of their own tradition, idiosyncrasy and method of approach. They should now be taken more and more into confidence, and much more responsibility should be delegated to them. In that way our contribution with respect to this Development Scheme will be abundantly rich, especially in regard to getting the staff into the service, particularly, the services of the following Departments:

Agriculture, Veterinary, Education, Medical, and Survey. -

We want more of our local talents to be drafted into the various departments. It is appalling, if we closely examine the situation, for instance, there are not more than a hundred Government doctors to serve the twenty-two million inhabitants of Nigeria. Such services must needs be very scanty and negligible

I would like to make reference to road communications. Your Excellency, the road communication programme as set out under this head is simply excellent, and we would urge for this being put into immediate operation. Roads, as we know, are the means of help to the dissemination of education and knowledge. Side by side with the development of roads there should be

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considered the means of transport. If motor transport is lacking our roads would be overgrown with weeds and would give us only partial satisfaction. I suggest, therefore, Sir, that as part of the postwar development, more should be done by the Government to attract transport to the country. I do not know whether it would be possible to call back all the military lorries and cars after they have been reconditioned, or any other means be adopted through many of the big business houses to bring more and more lorries and other motor vehicles to the country. The roads should be flung far and wide throughout the country. With transport facilities our road communication would give satisfaction and fulfil its objects.

Tele-communication.—The utility of this is apparent, only, such telecommunication, when introduced, should be cheap. The high cost of telephone service to-day is cheating us of much of our revenue. I therefore recommend, Sir, the adoption of Sir Rowland Hill's policy in connection with postage stamps, when he recommended that postage stamps should be reduced from 1s 6d per letter to 1d per letter. That reduction may bring much more revenue into England. I am, therefore, confident and hopeful, that our revenue will multiply itself several times if telephone communication is employed in our different departments and private houses and that depends upon making the charge within easy reach of the masses of the people.

Electricity Schemes.—The cost of installing and maintaining electric generating power stations in each town as is done now will be greatly reduced by the introduction of the grid system of electric supply. This system is in vogue in Great Britain where it is being operated with great success. Instead of multiplying electric power stations in Nigeria in every town—I suggest that the grid system of electric supply be adopted. Here also electricity should be made cheaper so as to enlist the patronage of more consumers which after all is more economical. Building Scheme is another feature of Sessional Paper No. 6 of 1945. Your Excellency, I have very little to say about this, except that this is an excellent scheme and should be made operative in the Provinces. In 1937-38, Calabar undertook slum clearance and Town Planning. The war came and intercepted the scheme. We hope that the Welfare and Development Fund would be made available for Calabar.

I just want to say a word about this old and ancient city—the first seat of the Government of Nigeria from where Government ruled Southern Nigeria. She has contributed much to the development of this country's social services. I do not think there is any section of Nigeria that is not served by her people. In schools many of the headmasters and teachers are young men from Calabar. In the hospitals, you find quite a number of them in the Nursing Staff, and I think it is time that Government should consider giving her more amenities than what she has got already. I think one of the amenities that would satisfy Calabar is Town Planning and Slum Clearance. We endeavoured to do this splendid piece of job ourselves and Government promised some money, but the war intercepted. We feel, Sir, in this Development Plan, the welfare and developement of Calabar will be considered.

Your Excellency, much has been said about the people of Calabar refusing to entertain the idea of a Municipal Town Council, it is not quite so; a debate on this subject is still going on. The Chiefs feel that before the introduction of the Municipal Town Council to Calabar, Government should do something to replan the place and give her more amenities than she has now.

Your Excellency, I sincerely apologise for detaining the house—for the length of time I have taken—but it is inevitable. I have to thank all who have made it possible to issue this Sessional Paper No. 6 of 1945. I particularly mention the Honourable the Development Secretary, the Honourable the Director of Public Works, the Imperial Government that has implemented this Development Scheme and the last, but not the least, our hard working Governor. Your Excellency, how best can we compensate your efforts and good intentions ! We pledge our loyalty and co-operation again. Sir, a time like this demands a stout and magnanimous heart. We have found this in Your Excellency; we shall support you as our Captain. I do not know what magic is in names, for all Richards seem to have indomitable spirit, just as was possessed by King Richard the Lion-hearted.

Your Excellency, on behalf of the twenty-two million people of Nigeria, we thank and congratulate you, we pledge to support and co-operate in your administration which is so pregnant with most important issues. With this, I beg to support the second reading of the Appropriation Bill.

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

Your Excellency, in supporting the Appropriation Bill, I have certain observations to make because this is about the only time and opportunity we have to make any criticism concerning the administration of social services in Nigeria. As I have very little to say I now go to my point.

We received these numerous Bills quite late. Considering the volume of work we have on hand, and considering the number of Bills as well, and when we consider that we have our own private affairs to look after, I must state that we have been obliged to work too hard since three or four weeks past, and yet unable to do much. It is true that you gave us half a day yesterday to enable us to read all the papers at our disposal, and we thank you for that. I am candid when I say that the time was not sufficient to go over these papers critically; it was not sufficient at all. Although I have gone through them cursorily, yet I feel I have not done justice to myself, much less to the taxpayers.

You must allow me, Sir, when I refer again to the question of gari. It is true that I tabled a question under Question 112 and that a very short reply was given to me that we have a seasonal rise and fall in the prices of gari in the Ijebu Province, that is, during a certain period it rises to 5s 6d and at certain times to 7s 6d. About five or six weeks ago at Ijebu Ode when we attended a meeting we were told that Your Excellency had ordered that 5s 6d should be the present price of gari. I was surprised and I must confess to you, Sir, that I feel that Your Excellency had been misadvised, because we were in the midst of an intensive drought and consequently the ground was so very dry that the farmers could not dig their cassava, and consequently they could not produce their gari at the price stipulated by you. The farmers had been told that they must supply the people in Lagos with gari at all costs and they are now doing so at their own expense. The people of the villages were invited

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to Ijebu Ode and were given quotas. They were not even allowed to dispute because it was an order from Your Excellency. They returned to their respective villages obediently but dissatisfied. Some succeeded in producing, but others failed to produce owing to the hardness of the ground. I will confine myself to two instances, or rather one, which will illustrate my point. There is a village which is very small and is placed under another village, and both are under the Native Authority at Ijebu Ode. This particular village was asked to produce three bags of 126 lb of gari every week. The Bale returned to his village to tell the people that gari was wanted for the soldiers. I put a question to the administrative officers whether it was intended for the military, and I was told that it was required for the people of Lagos-the Lagos market—and not for the military people. I was told that the military gari came from Abeokuta and Abeokuta only. The people must obey orders. When the people found that they could not get cassava to produce gari they subscribed money among themselves to buy gari for the Lagos market, and consequently to feed the Lagos people. Transport from their country is ten miles away to Ijebu Ode. Motor Transport was supplied by Ijebu Ode Native Administration, and it cost 6d per bag to the loading, labourers and transport. A bag of gari cost 7s 9d but they were paid only 5s 6d for it, thus losing 2s 3d on a bag because they must feed Lagos community. Later on it was increased to 7s 6d. When the people found that it was not working at a profit, but that a shortage was being experienced, a shortage that was going to land them in debt, the Bale of this village had naturally to enjoin his people to stop buying any more gari. That was what was going on about the dearth of gari. Government was complaining that there was no gari in Lagos but failed to understand our difficulty. This particular village, which was under another village, as I said at the outset, failed to produce three bags of gari in one week, and was able to produce only two, but the Chief from whom the order came put him into Court, because he had been told to do so, and he was mulcted in a fine of £2 just because Lagos community must be fed at all costs. I feel, Sir, this is an oppression on my people, but this is oppression emanating indirectly from the Government, and I feel, Sir, that this matter and its degree of oppression is unknown to the Government. A report had been made to the Native Authority who referred the matter to the District Officer, and the matter was well in hand when I left Ijebu Ode. I think a refund of the fine would have been made to the Bale. The injustice arose from the Bale who put the other sub-Bale into Court. He never did anything himself, as his own village was short of the quota given them, but yet he never put his own village into Court. So therefore, Sir, I would like you to consider the injustice and suffering so that Government may react to what I have said in order to bring relief to the people in Ijebu Ode and its environs. Our own suggestion in the matter is that control should be removed on gari, and that if it is removed the price of gari would automatically drop to the level required by the Government, or even below it.

There is another matter, Sir, relating to Native Authority, the matter being between a certain place between Ijebu Ode and Okitipupa, and with your permission, Sir, I will read a letter written in 1933 by the Resident. As we still have a lot of trouble about it I am anxious, on behalf of my Province, to put the matter before Your Excellency that once and for all we may settle the Government has never bothered to look into it. Only yesterday a very sharp and curt answer was given to the First Lagos Member's question on it—the answer contained only two letters "NO." It is derogatory to the African to call him "native," and whenever you use the word "native" it means a person below the normal. And we feel that in all the laws that are passed and all future papers that necessitate our being described as natives, the word "African" or "Nigerian" should be substituted for the word "Native." It is a matter on which we feel very keenly, and would ask Government to feel that way too. It was said that the Native Authority were approached and asked if they objected to the word Native and they seemed to like it, but who of the Native Authority who knew its full connotation can value the meaning of the word "native." So I am appealing to you Sir, that we avoid the use of this obnoxious word and substitute African or Nigerian, to avoid hurting the feelings of the Africans.

I thank the Labour Department for what they have been able to do during the year, and the head of that department for breaking his holiday to enable him to attend this meeting.

I also congratulate you, Sir, for the Development plan you have for Nigeria as depicted in Sessional Paper No. 5.

I come now, Sir, to the Constitutional Reform for Nigeria, which is long overdue, and we look forward to having the opportunity of going through it in this House and welcome our criticism on it, because only yesterday, Sir, the Secretary of State said in the House of Commons that the people of Nigeria would be given ample opportunity to consider the new constitution we are going to have. But this ample opportunity is not confined to our chiefs only. We are the taxpayers and we are entitled to have the right to express ourselves and to say this is what we want or what we don't want. Any constitution given to us must embody a system of franchise and election by the people, of people they would have to represent them in any assembly wherein their welfare will be considered, and if you have a system of election in your own country we too ask that we be given the same method of government, as our original system of government in this country is democracy. What is good for the goose is good for the gander. It is the white man who has insidiously changed our constitution and it is incumbent on him to restore us our full democracy. It may be argued that there was a time here that the candidate for Lagos simply walked into Council without election or opposition and that on that score we are not ripe for franchise system. I would say, Sir, that this is common all over the world-among forty-eight millions of British taxpayers less than three millions are electors. From pristine times, the Africans of this part of the world had been democratic and we do not wish to depart from that laid down by our ancestors in this respect. We are a democratic people, and so we wish to remain, hence our asking for a constitution that is democratic in principle and practice.

The Member for the Oyo Division (The Hon. A. Obisesan) :

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Your Excellency, before I left Ibadan I was able to see the Olubadan, whom I asked what kind of message he would like me to give Your Excellency when I came here. He said "If you go to Lagos and see the Governor tell

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him that in all his undertakings God will always be with him." That was the message the Olubadan asked me to give. It is true that I was unable to see all the chiefs in my Province before I came to this Council, but I know they all wish you happiness, prosperity and all kind of blessings.

Your Excellency, I thank you very sincerely for your masterly and instructive Address delivered to this Council on Monday morning, and especially for the Sessional Paper No. 4 on the Constitutional Reform of Nigeria.

Before proceeding with other subjects, Your Excellency, I would like to thank you on behalf of my constituents for the tribute paid to the late Captain Ross, late Senior Resident of the Oyo Province. As some people are aware, Sir, many people did not see eye to eye with the administrative method of Captain Ross, but the fact cannot be denied that he was a great lover of Yoruba people. He was just like a father to his children. The fact that those who came after him were able to develop the province shows that his method did not block the road for progress.

Your Excellency, I come to the Alafin of Oyo. The late Alafin was a most liberal man and he was in every respect a King in its true meaning. He has died and his death is a great loss and every living creature and we here sitting to-day will die also one day. I lament his death.

Education at Ibadan.—Your Excellency, things are not moving very well at Ibadan as far as school children are concerned. Most of the children seeking admission into the Grammar School could not be admitted and those already promised were not admitted. This I say, Sir, is very deplorable, and I would be very grateful indeed if the Director of Education will see to it.

Your Excellency, in the paper known as the "West African Pilot" of the 23rd of February, 1945, a contributor from Aba called the attention of the public to the practice of taxing school children. I may say, Sir, that this is exactly the position everywhere in our Oyo Province. I would not like to mention any particular area. I was able to have some discussion with the Headmasters of certain schools in Ibadan before I left home and they told me amongst other things that ten years ago, the Education Department gave them what was known as a Block Grant and the Education Code No. 82 supported it. At that time the number of teachers and the size of the schools they had justified the grant that was granted to them, but now the numbers of teachers have increased considerably and there is an urgent need for the extension of the school buildings; despite this, the grant remains the same. I would like the Honourable the Director of Education to see to this also.

Your Excellency, the Honourable the Secretary for the Development Scheme made mention of several things in his comprehensive treatise which he has sent to the Honourable Members of this House, and I would like, Sir, to mention for your information that in Ibadan to-day, the native community has only 200 water pipes, and over a dozen times we took a great deal of trouble to notify and appeal to the authorities. The matter was taken up warmly and from the D. O. to the Resident and finally to the DPW, but no action was taken, and the reply we invariably got was "No fund." That, Your Excellency, is not satisfactory, and the people at Ibadan will be grateful if you will give directions so that in course of time we may have sufficient water to drink. down to it. Still there are some things in this Bill of the different departments about which we have to say something.

· I speak first of all of the Education Department. This department is a great department, but in some ways I think I want to use the word "disgrace" but I don't think I should use it. But in comparison to a country like Nigeria, Sir, I think the Education Department can be put on a better footing. It seems to be in a great muddle; and I think it would do the Education Department good if they were able to have about a year's holiday so as to put the department in really good working order. I cannot see the real educational policy. We have a lot of talk from time to time, but I see very little construction, I see very little that is constructive in the educational policy. This is no reflection on the Director of Education and his excellent staff; I think it is rather a legacy that has been left and needs clearing up. The Education Department seems in many ways to be a barrier to the progress of this country. Ambitious men and women from time to time who would do useful and constructive work. Instead of that many of them are discouraged in doing that work, and they are simply kept back by official red tape. We want those tapes to be cut and freer access, or rather opportunity be given to the educational officers who are prepared to do good work. Other officers seem to drift with the tide of employment to the sea of pension. Of what real use, I would ask, is the Education Department in this country ? You may point to some things. I say this, you leave one man to run two or three Provinces. He cannot do it. He is wasting his time running from province to province and incurring travelling expenses which the taxpayer has to pay, and the value of it is practically nothing. I know of schools in Kabba and Ondo Provinces that have not seen an Education Officer for years. The method of inspecting schools seems to be a thing of the past. I don't know what is going to happen. We have a lot of talk, but don't see much done, Your Excellency. Every school in Nigeria, I feel, opened by the Education Department or granted by the Education Department to be opened, ought to be properly inspected and graded. Now and then we see an Education Officer running in. He frightens the children and upsets the staff and then goes away. And on this the destiny of our schools is based. They go away and grade our schools and give the grants they think best ; and we see nothing profitable for the school. I feel, Sir, that a country like this ought to have more inspectors of schools. There are so many talks about Inspectors, Superintendents of Education and all sorts of things. We get the big names, but not the big work, and I feel the people are not satisfied with this. We Missionaries are doing the work of the Education Department. They, the officers, come round and sometimes only ask questions and then go away and write reports on what we give them. In other countries, Sir, they have Inspectors of Schools. There was a time in this country when schools were inspected and in every other country they have them. You say you cannot get officers from Europe or other parts. Well we can get them right from this country. We have men and women who are experienced teachers ; and they can be promoted. In my country, in Jamaica, I think Your Excellency will agree with me, that nearly all Education Officers are men and women of the soil ; and we don't see what is wrong with Nigeria in that respect. We want more Inspectors. We see now and then a travelling teacher who comes

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around. Sometimes he behaves more in the way of an Inspector than a travelling teacher, which I don't understand. I think he should try and teach the people who don't understand enough to teach in the schools. We have big names in the Education Department but we are not getting satisfaction from it. As I say, it is no reflection on the present Director or his able staff. it is a legacy that they have inherited, and I hope as I said that they may even have a little holiday to put things right. I make bold too, Sir, to ask, how many of the Education Officers coming to this country know anything at all about Education and Teaching. I ask that question because I know that many people seem to be in the Education Department from time to time who have very little knowledge of the work of what should be done amongst the people. I don't blame them to a certain extent because perhaps they don't understand the people's mentality, they don't understand the language and they can hardly understand their need. I say then, Sir, that in this country our sons and daughters should be so trained and prepared to fill positions which are very very needful. And they can do it. People are sometimes just pitchforked, I feel, into jobs because of their good looks. Well, we cannot be bothered with good looks in this country, Sir, we want work and we want worth, and that is what we are crying for in Nigeria. You may say, where are the people to come from? They should come from this country, promising men and women should be given scholarship and go abroad to study and see educational policy in other countries, and so be able to come back and to help the Education Department, backing up our able Director of Education and his able staff. I would say more on this but I think time is going and I don't want to be too long. I feel we are not satisfied, and though there are big plans ahead with regard to schools and higher education, we are waiting on the Elliott Commission to bring out their report and we hope they will bring it out soon. They are a long time about it; but I do hope we shall be able to do something in the meantime.

Next, I would like to say something on Agriculture. As we know agriculture is the backbone of this country ; but I think the Agricultural Department can do much more. We have just had a report written by somebody who has come out here, an able report and there is a lot in it. But I wonder how much of that report has been got by knowing the country, seeing the people, and not just from the Agricultural Head Office in Ibadan or somewhere else? When people come out here, a deputation or a mission, we want them to see the people of the country and not only see the Head of Department. We want to see them Sir; and as far as the Agricultural Department is concerned we feel it can do much more for this country. Take the Moor Plantation for instance. If I may ask, what practical good is Moor Plantation doing, to Ibadan or the country, for all the money that is being spent on it? Go to Moor Plantation and you will see there some animals, cattle for instance, living in fly proof and mosquito proof houses. We see pigs living on cement floors and in whitewashed houses, which some of our poor farmers cannot afford. I don't think all this is helping the farmer around those parts. Look just over the fence from Moor Plantation and you will see a farmer there working with his little hoe and his cutlass which his fathers and forefathers have been using from time immemorial. A place like Moor Plantation ought to be so helpful to the farmers around that every:

farmer in Ibadan, or in Nigeria for that matter, should want to imitate Moor Plantation. But we don't see what good it is doing to the farmers around. they live just as they were before. Even though we may say we have a school farm at Oyo, I feel the Agricultural Department can be more practical in their work. Why not have some ploughs or tractors, say in Ibadan, so that every young farmer would be ambitious to be sitting on a tractor. You may say, " Back to the land "; but the people are not prepared to go back to the old methods, to use the hoes their fathers have been using for generations. I feel, Sir, our soldiers coming back will not be prepared to go back to the land and do as their fathers are doing on the land; and I would suggest here that even before our soldiers return, that many of them, the capable ones, should be sent to different parts of the Western world to study practical, tropical agriculture, so that they may be able to teach and help their own people. You may say we have not the officers. Well, make the officers. Young men to-day are not very keen on entering the Agricultural Department, because I know many of them seem to think they are only going in there as hewers of wood and drawers of water, which the young men of to-day are not going to stand. We feel, Sir, that more scholarships should be given to promising youths so that they could go to places like Trinidad or America. where tropical agriculture is taught, and not so much talking about it; or to bring men from those parts to teach. Instead of Nigerian money going to train people from Europe in Trinidad let the money go to train West Africans in Trinidad and other parts so that they can come back here. These men will understand their own people better, know their own people's language and be able to appreciate their people's need. And I feel, Sir, so too in the West Indies, that many of our officers there are sons of the soil, and there is nothing wrong with us in Nigeria, we can have the same thing here.

Another thing about Agriculture Sir. I think more practical work can be done in encouraging some of the industries we have in this country. Everywhere I see rank grass growing in swamps I think that this could be sugar cane, where the people could get sugar for Nigeria. Everywhere, Sir, you see grass growing and I seem to feel that wheat or something else could be growing there. We have vast opportunities for agriculture in Nigeria and we want to encourage it, and we do pray that much more help will be given by the Agricultural Department. We want practice, Sir, not so much theory. The few agricultural officers are not able to supply the needs in this country, and many of them do not understand the place, language or mentality of the people and they do not understand much more than the theory of agriculture.

We are very thankful to the Director of Medical Services for all the plans put out and all that has been done by a very feeble and limited number of workers. I say feeble because they are made feeble by the large areas they have to travel. Medical work in this country is almost just a name, except say, in Lagos. In the provinces many people do not know a Medical Officer; they do not see him; they cannot see one. For one man in a province like Ondo to run over Ekiti, Akure, Okitipupa, Owo, Akoko and other parts, he can't do it; and we feel that we are not getting enough from the Medical Department. I hope that in the Development scheme we shall have many more scholarships from this country and when the men come back there Mar. 7, 1945

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should not be one village in the Provinces that should not have at least a dispensary, not to say anything of a hospital.

In regard to hospitals, it is said that our private hospitals are not up to the mark, and therefore the Medical Department would control and supervise them. The Medical Department would, I hope, put its own house in order before it touches the houses of others. Some of our hospitals, I will use the word, are a disgrace; if I should take the hospital at Akure for example. There patients have to buy their own food, engage their own servants and pay for this and that. Hospital should be a place where you can find everything placed there for the use of the patients ; you should not put patients there to look after themselves. People, I know, Sir, do not want to go to some of our Government hospitals, because of the things that exist there, chiefly because of hunger. A patient is only fed there free if he is a pauperand who wants to be called a pauper ? While at Gambia I had the privilege of visiting a hospital at Bansang, a very excellent hospital right away in the Interior, and there I saw that everything was in quite an excellent condition. I went to the kitchen and I was very pleased to see the excellent food that was being prepared for the patients. I was told that because of this good food many of them did not want to leave the hospital. I think a hospital should be like that, a place where people should go and do not want to leave. I hope that our hospitals in the interior will be like that-where people will want to go for rest and be reluctant in leaving.

Away from hospitals, Sir, I would like to touch some of the other parts. Take the Mental Home : a mental home like that at Yaba; I say, Sir, it is a disgrace for a Government like this to have a mental home like that. I say so because I have seen it; I have gone there and I have seen the conditions. People are simply herded there like pigs. I think that a mental home should be such that a patient going into it will see from its surroundings, its atmosphere, etc., something to help him to be better. I think anyone going into that Mental Home, if he is not altogether mad already, will become very mad before long. I hope something will be done to see it put right.

Sanitation .-- There is much to be done in that too. Water is as essential to life as food. I am not going to deal with more enlightened places. I know one part in Nigeria-in the Ishan country-in the Benin Province, where the situation there is a disgrace with regard to the water which the people there are drinking. One sees beautiful roads and sees by these roads sides something which looks like mud-holes in which one would think that pigs are washing. These are the holes, Sir, that supply water for the people to drink. If you do not believe, Your Excellency, look on the right hand and to the left as you go through the Ishan country. Well, I do not think people paying taxes should be treated like that. Why just a mile or two away from some of these water holes one sees beautiful streams running to waste, and yet the people cannot get good water to drink and to wash. I do not think if people are paying taxes that should be so. Wells can be dug and water lifted. Benin City is supplied with water in that way, and the people there are now cleaner than they had been before. So, too, our people can be better treated. Wells can be dug and well water can be supplied to those people who are paying their taxes in order to keep themselves clean. If this is not done, it will almost be like taking money under false pretences.

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Other Developments.—With regard to roads, I do not say that every part of our main roads and trunk roads should not be tarred. I know it will be said that too much money will be spent. However, money spent now will be amply repaid in days to come. We do not see why main roads from Oshogbo to Ilesha and right up to Lokoja and other parts should not be tarred also, going through Ife, Akure, Owo and Benin to Asaba in the Western Provinces.

With regard to telephone and telegraph stations, we ought to have these; we would like to have them and nothing should prevent us getting them as soon as possible. I do not see the reason why the people in the interior, in places like Ekiti, Ikare, Kabba and Okene should not be able to speak to His Excellency in Lagos by telephone or telegraph. If you cannot spare wire and poles, then give us wireless stations.

Just a few minutes, if I am allowed to take the Public Relations Office. The Public Relations Office is doing a very good work. We want more Radio Diffusion ; we want more libraries. These things have been lavished on the people in Lagos, but practically little or nothing is done for the interior places.

With regard to welfare work, we are very pleased that something is being done in Lagos and we hope that it will be encouraged. Officers for welfare work should be picked men and women and they ought to be men and women who know their jobs.

I come to the Police Department, Sir. We are not satisfied with the standard of the Police. We want better status for them; we want better pay, not only for the Police, but for all people in responsible jobs, so that people will not get up and complain of bribery and corruption. We want better dress for our Police. We do not want to see our Policemen in shorts all the time. They are just like messenger boys. We want a force of which our young men will be proud and will be anxious to join—a Police Force in Nigeria which will be worthy of its name.

One word about the Administrative Department, Sir. This is a department for which I have the greatest admiration. I am glad to make special mention of this department. They are doing great work, and I think the Officers understand the people far better than many other departments in the country, but we are not quite satisfied. Just when the administrative officers begin to understand our people and are able to do good work for our people, it seems the policy of our Government is to transfer them from one province to another—from "Dan to Beersheba." I feel that these Officers should be a longer time in one place to understand the people, so that they may be able to do better work.

His Excellency :

It is now half-past twelve—Has the Honourable Member anything more to say ?

The Member for the Ondo Division (The Ven. and Hon. L. A. Lennon, M.B.E.):

Your Excellency, I should like to say something more; I wish to continue this afternoon.

Council adjourned at 12.30 p.m. Council resume at 2.30 p.m. Council Debates

Mar. 7, 1945]

The Hon. the Acting Chief Secretary to the Government :

Your Excellency, before the Honourable the Member for the Ondo Division resumes his speech, I would ask leave to make an announcement which may be of interest to the House.

In accordance with the suggestion made this morning by the Honourable the Mining Member and which met with the approval of this Council, the following telegram has been despatched from Your Excellency to the Headquarters of the Allied Land Forces, South-east Asia Command :---

"Members of the Legislative Council of Nigeria now in session at Lagos offer their hearty congratulations to the Nigerian troops fighting in the Far Eastern theatre on their success and prowess in the field, and express pride in their achievements and gratitude for their efforts, and offer their sincere good wishes for further successes and a safe and happy return to their homes."

The Member for the Ondo Division (The Ven. and Hon. L. A. Lennon, M.B.E.):

Your Excellency, in continuing my closing remarks on the Administrative Department, I said there was one department that I especially was proud of, and I think I am voicing the feeling of all the Members of this House when] say that it is a department that is doing a splendid piece of work for the development of Nigeria. I am glad, Your Excellency, that you made mention of this department and District Officers and other officers in the Divisions. When it is considered that one District Officer is having so many thousands of people to look after, that is right and it shows that they are fit to be District Officers in the Administrative Department. I think, Sir, we must not lose sight of the fact that it speaks excellently well too for the people over whom they are having the oversight. They are a law-abiding people and for that fact the District Officers are able to carry out their work in a capable manner. One thing I would say about this department, Sir, is-I think I mentioned it this morning-that District Officers, when they are doing good work and no complaints about their work are made, are being shifted to some other quarters from their splace. I know the Secretariat should know their business better; but the people ought to be consulted to a certain extent, because they know their Administrative Officers better than even the Secretariat. We are asking, Sir, that these officers should be given a freer hand in looking after the people; they know the people and the people know them, and very often they can do a very good piece of work for the betterment of Nigeria. Another thing to look for is to see that the officers-not only District Officers-know the language of the people. We are suffering to a certain extent from those interpreters who sometimes I would call " interrupters," who sometimes do not put over what the officers mean to the people, nor put what the people mean to the officers. I feel, Sir, that every officer ought to know the language of the people amongst whom he is working, and that can be helped by an officer staying longer in one place. At present they are very much like tourists; they stay in one place like Calabar or Ondo for one or two tours and then shifted to some other places. We do not want that kind of thing. We want Administrative Officers who know their work to be given a longer time in their Divisions. We appreciate their work, Sir, and we would like to take

this opportunity of making it to be known to them that we as Legislative Council do appreciate more than they feel the administrative duties of these officers.

At present it seems as if the officers have not a free hand but that they have to refer everything here. There is a little "red tape." Something that can be done by an officer who knows his job and knows his people takes months to get through ; perhaps it has to pass through the Chief Commissioner to His Excellency before it comes back to the officers. These are few points I would like to say—that officers who show interest in their work and are worthy will not be shifted from pillar to post in Nigeria.

A word about Industrialisation in this country. I notice in the Development Scheme something has been said there that we may not expect this country to be industrialised to any great extent. I do feel, Sir, that if we have resources in this country we do expect to have a certain amount of industrialisation. The Officers of the Social and Welfare Department and the Labour Department will have a big problem to solve if we do not have some industrialisation of the resources of Nigeria, and I do hope that in our Development Scheme consideration will be given to industries that we can do in Nigeria. We can make cloth, better limes, bricks, tiles and other things. If we have good clay we are able to industrialise our pottery, and the quicker this big industry can absorb the labour of Nigeria I think it will all be the better. All over the country one comes across soil ideal for cultivation of sugar cane. From this, sugar industry can be started and those interested in the byproduct (like rum) could have it.

I welcome the Appropriation Bill and I beg to support it.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo) :

Your Excellency, I wish to associate myself with the previous speakers in thanking you, Sir, for your Address and for the speech handed to us on Monday. They are, Sir, very comprehensive and I hope they will be translated into practice.

What I would like to speak about really first of all, is farming. It is well known that Nigeria is an agricultural country and we in Egbaland are farmers ; we like farming and we are really taking to it, but one thing I take notice of, Sir, is that it does not appear that the Government takes much interest in farming. So far as I can see the farmers are sadly neglected ; their position is far from being satisfactory. Some years ago, our economic trees put much money in the pockets of our farmers but now things are quite different. Wages are very high, the prices of produce are low and the profit made by the farmers is very little. They can hardly make two ends meet ; many of them can hardly train their children even in ordinary elementary schools. Their standard of living is very low. I can see all these things because my work has always carried me among them and I know how they live. These farmers are illiterates : they cannot know what to say about their conditions : they cannot come up to say what they feel. It means then that we who know them must express their feelings, otherwise there is no hope at all. We always

hear "Back to the land "dinned into our ears. We would like to go back to the land, but educated class of people who had gone have had to regret their going. They are not able to make two ends meet : many of them have been ruined and are only able to eke out a miserable existence and others have come back.

Now, Sir, the Agricultural Officers do really approach these farmers, but I can assure you, Sir, that they cannot make much with the natives—people who are illiterates—and if the educated class could be encouraged to take up farming it will do very well. These Agricultural Officers are doing their best in many ways and they are painstaking, but I say that they cannot make things clear to our people who are not educated. Another thing is, these agricultural students who are being trained by the Agricultural Department do not take up agricultural work practically; they prefer to remain there and draw salaries from the Government rather than to practise farming. Another drawback to agriculture is that our people who are trying to produce food are not encouraged enough; they should not be neglected.

With great pleasure I take notice in Sessional Paper No. 6 of 1945, how preparation has been made for farming and that provisions are being made to assist the farmers as much as possible. We shall be very glad when these things are put into practice. We will want encouragement from the Government-encouragement that will better the condition of our people. How will that be done? It is in the hand of Government to do this for our people, for the present, conditions of our farmers are not satisfactory at all. So, I am asking the Government to please assist us in this respect. We are farmers in Egbaland, anything that touches our land touches our very life. We are asking Government to take it seriously that farmers should be in a better condition. Another thing is that it does not appear that the cost of production is taken into consideration when prices of produce are fixed. So many farmers suffer a lot from this. One Honourable Member this morning spoke about this point, that the costs of production do not seem to appeal to those who are buying our produce and the farmers are really suffering. In future Government should assist us to get over this difficulty and invite people who are educated to rally round and join in increased farming work. I will leave this subject for another and that is the town of Abeokuta.

I am asking Your Excellency, Sir, to please help us about the town of Abeokuta. We want work to be provided for our people. For the present there is no work in town and I can give some history about that. Abeokuta came into contact with education many years ago when the Missionaries were there with some repatriates from Sierra Leone; they took up education and when the centre of trade was shifted to Lagos they removed to Lagos and their descendants are still in Lagos to-day. Educated men in Abeokuta used to come and live in Lagos, and since they remain there the result is that many of our people are in Lagos to-day, and their descendants remain here. It is a pressing problem, Your Excellency, for if that practice continues we do not know what will become of the town of Abeokuta. To-day, we have two good schools in Abeokuta getting to Form Six, and when the students pass their examinations successfully they come to Lagos to work, leaving us, as it were, in the town to face depopulation. I do not know how far it would go because every year as soon as they succeed in their examination they will come to Lagos and continue to reduce our population. Other places may yet have to suffer like that. Your Excellency, we would like to ask your help to check this exodus from our town. We would like also that Your Excellency find us work to do in Abeokuta so that people may not be getting out of town and that the town may not be depopulated. That is our humble request and I hope that Government will take it seriously into consideration.

Another question, Sir, is the education of our girls. It seems to me that this question is another one that is being neglected by Government. We have two secondary schools in Abeokuta for boys but there is not a single secondary school for girls there. I understand that even throughout Nigeria there are only five secondary schools for Girls and even none of these is considered to be fully equipped, by the Education Department. This is a very sad state of affairs. If we mean to get on our girls must be educated ; we cannot leave our womanhood behind if we are going to get on : it is a serious state of affairs. I was wild with joy when I read in the Address of the Governor that something would be done ; in this respect I believe that a woman is to be appointed as an Assistant Director of Education. I was completely disarmed when I learnt that the question is being seriously taken in hand.

If our boys are having education, I think it is of necessity that our girls too should have education. Now, Government has made provisions of work for our girls. It is very necessary to have an adequate number of them to fill these posts, if not the avenues may be closed because we have not availed ourselves of the opportunities. When I am speaking about secondary education for girls I am not confining myself to purely academic education because that kind of education can only be open to a few who are able to go forward. I believe after elementary education there should be vocational schools for our girls where they will study Domestic Science and other things that will help them and be useful to them in life. For the present, Government have not done much to this question, but I believe Your Excellency, that with all the provisions that have been made, and the huge amount voted for education, that these things will be easily achieved. I know the trouble in the way : I have had to speak to some Education Officers about girls' education and I believe what they generally put in the way is the want of teachers. That's a fact, but if we have trained the teachers we should have had them ; we have not trained the teachers and therefore we have not had them, and that is a question which the Government should take in hand. Well, I have spoken so far about the education of girls.

There is another matter I would like to bring forward about Abeokuta town again and that is about the Telegraph Office and Postal Boxes. We want the Telegraph Office in the middle of the town and the postal boxes also in the middle of the town. For the present, one has to trek some three or four miles from one's home to send a single telegram. The postal boxes are at Ibara which is a trading centre, but they are far from being in the middle of the town. Those who are patronising the postal services are in town. From the point of view of making money I think it is better for both the Telegraph Office and the Postal Boxes to be situated in the town. It is a matter in which Government could help us for the benefit of the community in which

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we live and I am sure this will not create any great inconvenience. I leave that for another matter.

That is a question which I was expecting to be raised in this place, but I believe that provision has been made by the huge amount voted for education in the Estimates. It is about the Teachers' Pension; we have heard some rumours about it, and are looking forward to it in earnest. The Managers of schools would be glad if Government will grant pension to teachers. They will be spared the pains of seeing their good teachers resign their work in order to take up appointments in the Government service, their reason being want of something to rely upon after their many years of service. We cannot blame them for this. I am thankful that Government is having this matter in hand, and the sooner it is put into practice the better for the schools. We hope that several teachers will now give longer years of service to the schools and will continue long in the schools to bring efficiency to the schools in Nigeria.

Another matter is about the Native Administration Staff. There has been rumour about pensions for them. I do not know whether it is true, but we know very well that the Native Administration officers have been suffering for a long time, but lately their conditions of service have been changed for the better. We are very thankful. Now that a change has been made we would also like that the question of their pensions be considered by the Government. I would like to add that we are looking forward to the days when their conditions of service will be on the same terms with those of the Government service. With these few remarks I support the Appropriation Bill.

The Banking Member, (The Hon. K. M. Oliver, M.C.):

Your Excellency, Gentlemen, in rising to support the Appropriation Bill I should like first of all to congratulate the Financial Secretary on again producing a balanced Budget with no extra taxation. The figures of revenue and expenditure are again a record, and no doubt we shall go on making records for many years. The large surpluses we have enjoyed during the past two years have, as Your Excellency pointed out, very considerably improved our reserve position. In the revenue for this year we have an item "Share of West African Currency Board Profits," a contribution to revenue of \pounds 140,000. I think this has been described as a windfall, but surely it was more or less expected, in fact I think I prophesied it at the last meeting in Select Committee, and I feel sure that another such windfall will be forthcoming this year, because, as currency expands as it has done in the last four years, the Currency Board cannot help making large profits, and, as has always been their practice, a considerable portion of these profits are returned to the West African Colonies.

As was pointed out before, half our revenue is derived from Customs and Excise and direct taxation, and I feel there is every hope that the amounts estimated for will be forthcoming. The one danger, as I see it, is that the quota of cotton goods in England might be cut. I have been reading the papers, and I understand there is a possibility of them being cut, in which case we might not realise so much, but we can only hope that this will not be the case. There are demands from liberated countries which will have to be met and these may affect our position. The increase of half a million in the grant from Colonial Development and Welfare Fund is, of course, most welcome, and it is hoped that these grants will be continued for six or seven years more for certain, and we hope for considerably longer than that.

There is undoubtedly a different spirit abroad at home in regard to the Colonies, colonial colonies in particular, and the Colonial Secretary and others who have visited West Africa undoubtedly have more idea of it than they had when we had our last slump. The Financial Secretary pointed out what might be rather a gloomy picture if we had continual deficits, but I feel that if such a state of things occurred the Imperial Government would come to our aid, more especially now than they did in the last slump.

I have been reading lately in the "West Africa" speeches made in the House of Lords by Lord Ammon and Lord Rennell. Their Lordships left no doubt in the minds of their listeners as to the need of development on sound lines in Nigeria. Lord Rennell will be remembered as the Honourable Francis Rodd, and he spent a good deal of time in Nigeria during 1940-41; no doubt his remarks were made from his own experiences and with your permission, Sir, I would just like to read a short extract from his speech. He said—

"I hope we shall hear from the noble Duke who is to answer something of a more progressive policy in West Africa which will continue the good work that has been done during the war. We have seen there Government Departments—the Agricultural Department in particular—do the most magnificent work because necessity drove the central Governments to encourage it, and their work was in turn encouraged by the Minister Resident and by the requirements of the Army in West Africa. I hope we shall hear that that is to be continued with all the resources which we have available in the period after the war, and that we shall get some benefit out of this miserable period through which these Colonies and other Dependencies have passed."

I quote this because I feel that it gives the idea of the spirit at home. Lord Rennell I think is probably a Liberal as he was speaking from the Opposition, and Lord Ammon is a Labour Candidate. Well, both their Lordships in their speeches stressed very strongly the need for development in this country. Lord Ammon went even further. I notice that most of the things he mentioned that were required are also mentioned in Sessional Paper No. 6, so obviously we are going along on the lines expected of us at home.

I was interested when the Commissioner of Labour mentioned yesterday the question of Trade Union accounts, because it is a thing I raised in my last Budget speech and which I had in mind to mention again this year. It was not mentioned in your Address, Sir, and I hoped that all was well. I was rather disappointed I must admit when I heard yesterday that all was not well, but no doubt the warning given by the Commissioner of Labour will have some effect.

The Medical Department, Sir, are undoubtedly making arrangements for the return of our soldiers. I had the pleasure of seeing the Rehabilitation Camp being built at Yaba the other day with the Director of Medical Services and other members of the Lagos Finance Committee, and I must say I was extremely impressed with what was being done.

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The Railway Estimates show little change from last year; in fact they make very pleasant reading. The General Manager tells us that the results now are better than he had hoped. Groundnuts have increased beyond what was expected, which I think is a very satisfactory state of affairs.

Sir, I wont keep the House any longer. Most of the other Members have touched on many points I might have mentioned. I don't think therefore it is necessary for me to say any more. Sir, I have pleasure in supporting the Appropriation Bill.

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

Your Excellency and Honourable Members. I don't wish to keep the House very long, but I would like to say a few words on Finance, and ask if the Honourable Financial Secretary would enlighten us later on, either here or in Finance Committee, on the Estimates. Going through these Estimates as well as I was able in the short time I have had them, I find that it is not much use talking in thousands or tens or twenties of thousands, if you are dealing with figures where little or no regard is paid to hundreds of thousands. Generally it hardly appears worth my while going into details here, as in Finance Committee we shall have lots of opportunity to go into questions about messengers' uniforms, bicylce allowances and so on, so I shall confine my remarks to round figures, and talk about nothing under £100,000. On the face of it the Estimates approximately balance, but take for instance such items as the Public Works. They really want to spend £600,000 but they have budgetted for £900,000. Surely there should be some way of preventing this, by having a kind of Renewals Fund like the Marine Department instead of asking for such a large sum in excess of true requirements. On the Revenue side, the Currency Board, we understand, is confidently expected to provide us with at least $f_{100,000}$ this year but this is completely omitted. The figures show £100,000 more received from the Colonial Development Fund that we are supposed to be spending in the period under review.

We are told by the Honourable the Development Secretary that in the next ten years shall we say, we shall spend about forty million pounds, which averages at four million pounds per annum. The British Government that is the British Taxpayer, proposes to spend 125 millions on the Colonies over ten years which is twelve and a half millions a year.

The Home Government is committed to that, but what happens after this ten-year period we have not the faintest idea—nor have they I presume. Out of this twelve and a half millions per annum how much can we expect in Nigeria? We are only one of many Colonies spread over the face of the globe and if we estimate roughly, but optimistically, that we get two millions per annum on the average we have still to find another two millions per annum from our own resources. It is a lot of money. Well up to the end of this present financial year, that is in 1946, we are supposed and hoping to be about all square in our Revenue and Expenditure at about twelve millions, and after that what happens? The same people who are so optimistic about Development are rather pessimistic about normal revenue and expenditure. Taking their view, shall we say that from 1946 onwards we are going to show a deficit of half a million a year? That means that from bringing the Customs Duties more into line in all the four Colonies. They brought the other Colonies' Income Tax into line with ours, much to the sorrow of those other Colonies-and the Customs duties could be made more or less reciprocal. There would be complications and difficulties but I have no doubt that if the Honourable the Comptroller of Customs were given a free hand for six months, he would smooth these out, and so arrange tariffs that it would not be profitable to try to take advantage of differences in Import Duties. This encouraging of Inter-Colonial and free trade is one of the first jobs that should have been tackled by the Governors' Conference-or the Resident Minister-or dare one say by the Governor-General when we have one Or even the Development Secretaries could do something about it and try to encourage trade between Bathurst, Freetown, Gold Coast and Nigeria. There is plenty of business to be done-as an instance may I quote the motion of the Second Lagos Member about eighteen months ago regarding the Yoruba Indigo dyed cloth. This matter of Inter-Colonial Trade should certainly be kept well to the fore.

In connection with this, there is the question also of free travel between the Colonies—or perhaps I might be misunderstood in saying free travel— I ought to say freedom to travel. This is a subject which I intended to raise when the Immigration Bill comes along. There should be no restrictions on British West Africans travelling between the British West African Colonies let them come and go as they like without needing to ask for permits and so on. It is all right for the more important people—like Members of Legislative Council—who find little difficulty in getting permits at any time, but what I want to see is encouragement of the ordinary trader and so on, to travel and trade freely without hindrance of any kind.

That is about all regarding the economic side of the debate. Your Excellency, but I would like to say something about the Bills which are before this Council. Look at this latest batch before me-all nicely tied up in red tape and handed to me to-day. With all due respect to the Honourable the Attorney-General I must say that it is a little unfair to expect us to wade through this lot and make any pretence of understanding what they are all about, in the short time we have to study them. It is really very unfair to ask us to deal with them now. I left Port Harcourt on Thursday and I had the other Bills on Monday together with part of Your Excellency's speech. The first part, which is really an annual review of all Departments, I haven't seen yet-my copy probably being on the way to Port Harcourt and back. There are many things we want to study carefully if we are to do them justice. Take the Labour Code for instance-not that we have any objection to it in principlethis needs a lot of study. It isn't that what is commonly known as Big Business has any objection to a Labour Code-in fact when the first attempt was introduced here about eighteen months ago we did not try to obstruct it in any way-we criticised it and we hope we improved it; and I for one suggested several ways whereby there was greater protection for the worker. Big Business is not against the Labour Code, because once we have it settled we know the extent of our liabilities and can work accordingly, and in fact I don't think there are any of the big firms who pay rates so low as those which are likely to be fixed as the minimum under the code. This is not the time to go into details about this Labour Bill or any other but generally I

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think most of the members will agree that it is most unfair to expect us to accept all these important Bills—Magistrates Ordinance, Mines Bill, for instance—and again the Ex-Servicemen's Bill—(I shall be glad to support this later) but it all takes time if we are to give them the attention they deserve. Then there is the Immigration Bill which is quite important—I might say here that I am to a certain extent speaking as Shipping Member and Commercial Member for Calabar also, in their absence. It has certainly not been possible for me to go thoroughly into all these large Bills and I shall ask Your Excellency to defer some of them when they come up for the second reading.

There is quite a lot more I could say, but I think I have said enough for this occasion, and whilst I do not feel enthusiastic about the present Appropriation Bill I shall not oppose it—and therefore register my support.

The Third Lagos Member (The Hon. E. A. Akerele) :

Your Excellency, speaking here about this time last year, I think I, in my opening speech, asked for some reforms for Nigeria. In asking for the reforms, I did not know how the House took it, but all the same, I am happy to have to rise and say that practically all the reforms that I asked for a year ago are being tried. I asked in particular for those reforms advisedly, and it may be I am asking for Nigeria to become a self-governing country; and I am still asking that one day we shall be able to find ourselves having selfgovernment.

Now, Sir, I have put in so many questions, to the different Heads of Departments and I have seen the answers to some of them. I think I have ten more to be answered, but out of those that were answered, one is a question directed to the Honourable the Chief Secretary to the Government as to whether Government would consider amending that portion of the Native Court Ordinance which made the judgment of a qualified barrister in a major or Grade "A" Court of the Native Administration, subject of review by an Administrative Officer. I think the answer is "No, Sir." Well, Sir, I am not satisfied with that answer. I do not see how an unqualified person will review the judgment of a qualified person-a person qualified in all respects-and then we of the legal profession sit down and say that is a satisfactory position. I think that section of the Native Court Ordinance ought to be amended. These Judges are qualified to take evidence, hear witnesses and give their decision. They are qualified by their training to give that decision, and if it is at all to be reviewed, it should not be by one unqualified Administrative Officer; it should have gone to the Appeal Court. I am surprised that the answer received from the Honourable the Chief Secretary was simply "No, Sir." I am submitting with all due respect that that portion of the Native Court Ordinance should be amended or repealed at once because I think it is a slap in the face of qualified barristers.

Now, Sir, most people talk about the Medical Department. I have to say that I agree with what most of the speakers have said about the Medical Department but I have my own observations to make. I happened to be a sufferer and I was in the hospital. I must confess I have never been admitted into a hospital in my life—I was admitted into the African Hospital and put in a place where I was to have "Special Treatment"; the bed was so bad Now, as the last speaker has said, we have been much frustrated by the Address handed to us about a week in Lagos here before the sitting of the Council and we are very much grateful to hear delivered another Address at the opening of the Council. We are disarmed altogether because the spirit in which the Address was delivered and the honesty and sincerity of purpose which pervade the whole Address impress me and I believe every one in this House that Your Excellency and your Government mean well for Nigeria.

Well, I am not in the habit of throwing bouquets, but accordine to our native custom, honour to whom honour is due. When a thing is done and is done rightly, it is only fair to the party who has done it that gratitude should be shown, hence the necessity for my getting up first and foremost to thank Your Excellency and the Honourable the Financial Secretary for presenting a balanced Budget.

Now, as I have said the speech, everything else, and the Scheme set out in Sessional Paper No. 6, have met with general reception, and I think, I am right to say, of the whole House and also the country. The few remarks I shall have to make I am going to make in good faith and I hope the Departments concerned will accept them in good faith and will try their best to remedy anything which requires to be attended to.

I take the Department of Agriculture. The Address has remarked on the success which has attended the achievements of the Agricultural Department. The Sessional Paper No. 6 of 1945 did not contain anything whatsoever as regards Agriculture. I think many Honourable Members in this House have always reminded the House that Nigeria is an agricultural country and as such whatever benefit should be conferred upon it must be on the lines more of agriculture than anything else, unless I am told that the provision in the Development Scheme as regards technical education also embraces agricultural training. We are promised that the effects will follow; details are not shown in the Appendix, and we are not in a position to say whether it has included anything like Agricultural training. I do not know whether the Director is satisfied with the provision he has made in his department for the training of our youths in agriculture; I think that is a very important matter, and if there is no provision made I think steps should be taken to remedy the position. Much has been said by the Honourable the Member for the Ondo Division and that is all.

I have noticed in the remarks on the Veterinary Department and I am struck by the overlapping of activities between the Agricultural Department and the Veterinary Department. To my mind the Veterinary Department stands in the same relation to animals as the Medical Department stands to human beings. Their own sphere of work is mainly for the control of diseases in animals; that is the essential work of that department, but it has branched out to divide its activities in the production of foodstuffs. I refer in this respect to Vom Food Production Scheme. This scheme can be advantageously taken up by the Agricultural Department, and the Veterinary Department will then have sufficient time to devote to the control of the animal diseases, as in Your Excellency's speech it was remarked that there are many diseases for which we need provision, and which today are causing grave losses to the livestock industry.

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If this is so, Sir, it will be necessary to reconsider whether it is of benefit or advantage to Nigeria to allow the Veterinary Department to branch into an economic enterprise such as producing foodstuffs for Nigeria. I observe that the department produces butter, cheese, etc., which can be produced without any loss by the Agricultural Department, because the Agricultural Department is expected to have the necessary staff and to be in a position to do the work. I think I am right in saying that the same kind of thing is being produced by the Agricultural Department. So I respectfully ask Your Excellency to reconsider the position and allow the Agricultural Department to take over from the Veterinary Department this important food production, so as to enable the Veterinary Department to do their legitimate work of seeing to the control of disease in animals.

Now, there is another point, Your Excellency. In the last Budget Session something was said about Fisheries and that investigation was being made into this. In the Address delivered by Your Excellency in the same year it was made definitely plain that the Department of Agriculture might be in a position to take up Fisheries. The relevant portion under Agriculture reads as follows :—

"Whether or not the Government will ever decide to go in for a big scale fishing industry with up-to-date equivalent is not a question which need be gone into at present as the necessary equipment cannot be obtained."

Now, we see in the Estimates a new Head is being provided for Fisheries. I said last year that in all the British Dependencies I think the Department of Agriculture is the one which usually takes up Fisheries and in those countries the department is styled the Department of Agriculture and Fisheries. If it is decided by the Government that the fishing industry should be embarked upon, I think it is part and parcel of such a department like the Agriculture. I respectfully suggest, Sir, before it is too late that a new Head should not be created, which after some time may prove unnecessary and results ultimately, after heavy expenditure, in merging it with the Department of Agriculture. I respectfully submit that it would be better if the Department of Agriculture be allowed to take up Fisheries. I remember some years ago the department of Land and Survey Department used to be separate departments. It was found that after some time that it was more economical to run the two departments together. The duties of the two departments were overlapping and subsequently, I believe it was in Colonel Rowe's, time that the two departments were merged together and I believe they are now running smoothly. It is plain that without land you cannot survey and without survey you cannot know the demarcation of land. The two departments are now placed under one Head of Department. It may be argued that although the two departments are united yet there are two distinct branches; but nevertheless, it is a department which is run by one and the same Head of Department, and up till now there is no complaint from anywhere, either from the Head of the Department himself or from any Government Department or from private individuals that the merging of the two departments by Government is working any hardship. Whatever might be the intention of the Government in creating the department of Fisheries separate and distinct from the Department of Agriculture, I think it would be more economical if the department is for the present placed

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directly under the department of Agriculture. In support of my argument further, Sir, I see in the Estimates a provision was made under the Fisheries Department for the Director of Fisheries and that the officer earmarked for the post is the same officer specially detailed for investigational work by the Agricultural Department in connection with the fishing industry. This officer, although not specially appointed for, has the necessary qualifications to do the work, and as such I respectfully submit that there may be other Agricultural officers in the department who are equal competent to take over the work as *locum tenens* and it will not cost Government any further money in providing reliefs for the officer in charge of Fisheries or in establishing a separate branch for Fisheries.

I come to Education Sir. As regards education I think I cannot do better than to say that I associate myself with the remarks made by the Honourable Member for Ondo Division. I feel, Sir, that before we can do anything much in this department we must await the report of the Elliott Commission. But this much is staring us in the face. There is need for Secondary education in the country. There are many school boys who have passed from the elementary school, class II, and who seek admission to secondary schools, and for whom no vacancy or accommodation can be found anywhere in the country. In certain instances there might be vacancies for fifteen pupils in the secondary school in Lagos, and about 300 students seeking admission had to sit an examination for these vacancies. Your Excellency could imagine the number of boys who are so placed and unable to find a place in any secondary school. Although there is an increase in the Education estimates, there was not a single thing said about the provision of secondary schools in the country. None of the Development Schemes provide for that, only for technical education. I think the matter is very urgent, and I believe it is for the Government to come to the assistance of the people when such a situation arises. The situation has arisen, and we should find means whereby to educate these children. The standard of admission into Government departments has been raised. Formerly it used to be Class IV, but it is now Class VI Middle. Here are boys who have nowhere to go, no school accommodation for them, and I think there is no doubt that the Education Department is well aware of this. So I respectfully ask that it is a matter which should be solved locally and that it should not await the report of the Elliott Commission. The Elliott Commission I think is more for higher education than secondary education. So I respectfully ask that the Director of Education should try to do something in order to relieve the situation in which our boys are placed.

I come to the Survey Department Sir. I said something about the Survey Department in the last Budget session. I am seriously suggesting, Sir, that it is necessary for a Commission of Enquiry to be set up to go into the conditions obtaining now in the Survey Department. There was not a time in which the Survey Department was lacking in staff, particularly African staff. There was a time when the Survey Department established its own school and was maintaining it, giving the necessary instruction through a Survey Instructor in its own department, and at that time things went on very well. Among the students turned out from that school we can still find one or two among the staff of the Survey Department. Now not many students

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are coming forward, and they can't even get the full complement to form a class. Sometime last year, out of forty-two students only two were left in the Survey school attached to Higher College, Yaba. I think it is necessary that an Inquiry should be made into the cause, because if the situation is allowed to go on as it is, when the Survey Department cannot get European personnel and no native surveyor can be obtained, in course of time that department, being a technical department, will have to suffer from inefficiency. So I respectfully ask that a Commission of Inquiry should be set up in order to go into the working of the Survey Department.

I come to the Police Department Sir. I read the answer to a question put by the Honourable Member for the Colony Division and the answer of the Honourable Chief Secretary to the Government. The answer was a statement showing the comparative wages of the Police rank and file which are paid by Nigeria, Gold Coast, Sierra Leone and the Gambia. Your Excellency will pardon me if I make the following remarks. I am very respectfully asking, Your Excellency, that the wages or the salaries of the rank and file of our Police are not commensurate with the work they are called upon to do in the community. I have the answer to the question before me, it shows that in all the West African dependencies the pay of our Police here in Nigeria is the lowest, even lower than that of the Gambia. The nature of the work that the Police are called upon to perform is such that they must be remunerated in accordance with that work. I mean they should be sufficiently remunerated. The pay they get at the present time is not commensurate with the nature of the work they perform, and I am respectfully submitting. Sir, that considering the essential duties the Police are called upon to perform in peacetime they ought to receive higher and better pay. A policeman is regarded as a peace officer. Without the Police Force many departments cannot exist. For example, the Judicial Department cannot exist without the Police, the Administrative service cannot exist without the Police. Government could not with impunity understaff the Administrative service without the Police. Government can afford to understaff the Administrative service due to the hard and loyal work performed by the Police, and I therefore respectfully ask that if we appreciate the value of the work done by the Police-I mean the rank and file not the officers—I think they should be remunerated accordingly. As the soldier's duties in wartime are essential, so are the duties of the Police in peacetime. I know some people may say that it is the Government who provide the necessary equipment, clothing, etc. and it is the Government who provide them with quarters. The Police who are living in quarters or who are wearing uniform are bound to wear it in order to uphold the prestige of Nigeria. They are not wearing uniform for the fancy of it, and if they are living in quarters they are not merely living in quarters because they like it. The Police have got children to educate. in the same way as clerks or other Government servants. And the Police are entitled to all amenities of life. I think I must support the Honourable Member for Ondo Division when he said temptations would be less if the people were better paid. The Police are entitled to receive better pay than they receive at present. Now in the Police service if corruption is rife we must try to trace the root cause of the corruption because it is a great danger to the country as a whole. It is not an exaggeration in saying that one of the root causes of corruption in the Police Force may be traced to inadequacy of salary. I think if we mean to root out corruption in the Police service the first step is to pay them adequately. Now, Your Excellency, I have the opportunity of observing the Police at close quarters. Professionally, I am neither their friend, nor their foe. I have always come in contact with them in the course of my professional duties, and have always admired their zeal in the discharge of their public duties. I am their friend in my private capacity in so far as my assistance is required in giving any necessary information. The lot of the Police in a place like Nigeria is not an enviable one. In Nigeria to give or receive bribes is not considered as anything evil. There are many cases in which the Police have made all efforts to detect crime unaided and to effect arrests of culprits without any assistance of the inhabitants. You can hardly find any African to come forward and say " this man has committed an offence and that I am going to bear witness." A Policeman is not regarded as a friend by the people at all, yet he has to do his duty. If anybody is doing a loyal and responsible duty which is entitled to recognition by the State it is And considering the circumstances surrounding their position the Police. in the Community they serve I think the Government should not close its eves to what is now prevailing among the Police, and that is corruption. If the Government is satisfied that there is corruption it is for the Government to uproot the evil, and there is no better way of uprooting the evil than to revise the salaries of the rank and file. The information in my possession came from the Government, and it shows that the Police in a colony like the Gambia are receiving higher salaries than the Police in Nigeria. If that is correct, I think something is wrong with Nigeria, and it is for the Government to see to it that Nigerian Police are equally if not better treated. The position of the Police is very precarious. They have to be honest and strict in the performance of their onerous duties without fear or favour. An offender must be brought to book, be he an ordinary member of the public or their colleague. I have witnessed many a time in Court members of the Police Force prosecuting their colleagues and obtaining convictions. To my mind, men saddled with such great responsibility ought to be piad in a way that there would be no temptation put in their way. So I ask Your Excellency not to defer the question of revising the scales of salary of the Police, but to take it up now in right earnest. I know what is going on and I sympathise with the Police because after all what they do get as a salary is just a mere pittance. I agree there is corruption in the Police Force, but what is the cause of corruption ? That important question I have answered that one of the root causes is inadequacy of salary. So I respectfully submit, Sir, that the time is ripe for the Government to tackle the question of salaries of our Police. I have already remarked, Sir, that the fact that the Police are supplied with uniform and free quarters is no tangible excuse for their being improperly remunerated. Well about their uniforms I would not go quite so far as the Honourable Member for Ondo Division in saying that the uniforms now worn by the Police are not decent enough. I happen to know that something is being done . to improve their uniforms. Some time ago a vote was passed in the Finance Committee in order to provide them with foot gear. I think that has been done. In spite of the risk of repeating myself, Sir, I say that the Police are being called on to discharge a very onerous duty. The Police will be on duty

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at midnight while everyone is asleep, the Police will be facing a very dangerous incident during the night, at times they will come in conflict with burglars and singlehandedly perhaps they will fight the burglars. All these things must be considered, and I am asking that Government will do something for them.

I come to the Administrative Service Sir. I have to associate myself, Sir, with the speech made by the Honourable Member for the Ondo Division as regards the Administrative Service. I was not a traveller, but I happened to travel last year through some parts of Nigeria. I passed through Jos, Bauchi to Bornu Province. I think it takes two or three days to get to Maiduguri where I went and from Maiduguri I took lorry to go as far as Fort Lamy, on my way to the Middle East. Your Excellency, I am struck by the order which prevails in the districts with only a handful of Administrative Officers, the contentment which could be read in the faces of the inhabitants and the discipline in that part of the country. Although in the towns the Native Administration is responsible for one or two things the work which is done there is under the aegis of the Administrative Officers. I feel that the number of Administrative Officers posted in those districts is negligible, particularly for the work that is being done. Now there are so many things to do there, apart from collecting taxes for the good government of the country. In some places in touring the district you find something like local constabulary responsible for peace and order within the native location, it is noticeable that you walk on foot or travel by motor tranpsort, life and property are quite safe. On my arrival at Fort Lamy in French Equatorial Africa, I remember sending a letter to a District Officer telling him of my impressions, of the difference between the British and the French Administrations. It is more on account of that difference that I come to appreciate what British rule means. I have no hesitation in saying as I would say to anyone after my return, that comparatively it is a blessing for Nigeria to be under the British rule, and my choice will always be for British rule.

Your Excellency, I do not know whether I should stop here, because I have more to say.

His Excellency :

If the Honourable Member has more to say perhaps it would be more convenient to go on to-morrow morning.

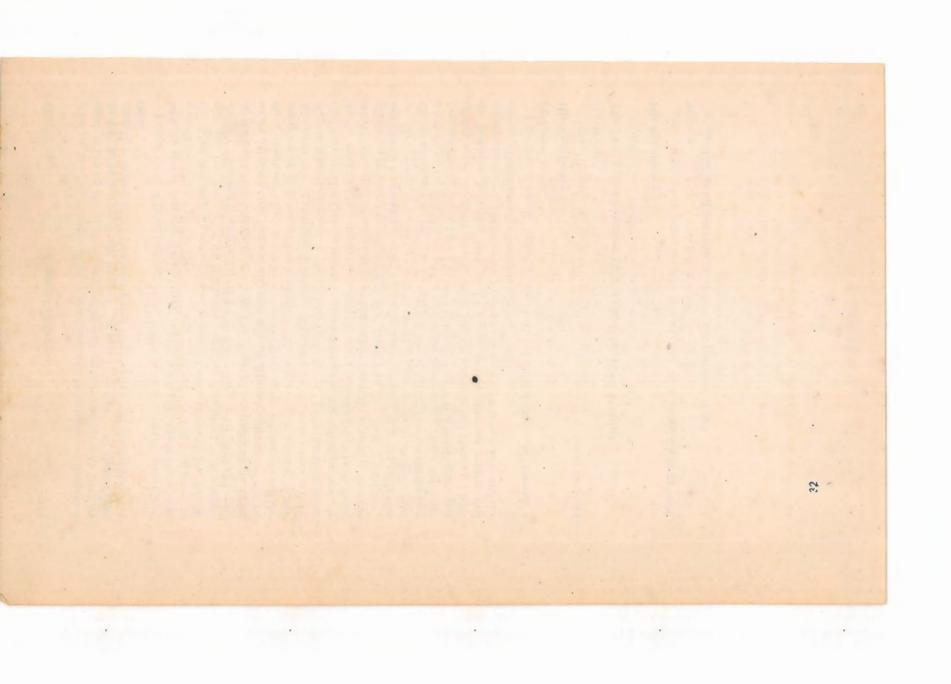
The First Lagos Member (Alhaji the Hon. Jibril Martin) :

I would prefer to-morrow morning, Sir.

His Excellency :

As it is now 4.30 p.m., Council will adjourn until 10 o'clock to-morrow morning.

Council adjourned until 10 a.m. on Thursday the 8th of March.



Debates in the Legislative Council of Nigeria

Thursday, 8th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Thursday, the 8th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G.

The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, c.m.g.

The Chief Commissioner, Northern Provinces, His Honour Sir John R. Patterson, K.B.E., C.M.G.

The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, c.M.G.

The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, c.m.g.

The Attorney-General, The Honourable H. C. F. Cox, K.c.

- The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Director of Education, The Honourable R. A. McL. Davidson.
- The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.
- The Comptroller of Customs and Excise, The Honourable J. McLagan, O.B.E.

The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.

- The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.
- The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.

The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.

- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning. The Director of Public Works, The Honourable H. E. Walker, C.B.E. The Acting Director of Agriculture, The Honourable A. G. Beattie. The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member). The Honourable G. L. Howe, Solicitor-General (Extraordinary Member). The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member). The Honourable E. A. Miller. Commissioner of Labour (Extraordinary Member). The Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member). The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member). UNOFFICIAL MEMBERS The Member for Calabar, The Rev. and Honourable O. Efiong.
- The Member for the Ijebu Division, Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C. The First Lagos Member,

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos, The Honourable J. F. Winter.

The Second Lagos Member,

The Honourable Ernest Ikoli.

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

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Commercial Member for Port Harcourt. The Honourable Fred Edmondson.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E. The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division, The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

The Third Lagos Member,

The Honourable E. A. Akerele,

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The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division,

The Honourable E. N. Egbuna.

The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division, The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province, Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Kano, The Honourable W. T. G. Gates.

• The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 7th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions Nos. 5 and 6 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 40, 43, 45-50, 52, 53, 56-60, 64 and 66 by the Honourable the Third Lagos Member, Nos. 77-81, 83, 86 and 87 by the Honourable the Member for the Oyo Division, Nos. 98 and 99 by the Honourable the Member for the Ibibio Division, Nos. 106, 107 and 109-110 by the Honourable the Member for the Ijebu Division, Nos. 117, 118, 120, 121 and 124 by the Honourable the Second Lagos Member, No. 129 by the Honourable the Member for the Egba Division, Nos. 130, 133 and 134 by the Honourable the Member for the Calabar Division, Nos. 141, 143 and 145 by the Honourable the Member for the Rivers Division are not yet ready.

The Third Lagos Member (The Hon. E. A. Akerele):

71. To ask whether the post of Clerk of Council in the Ijebu-Remo Native Administration is at present vacant? If so, for how long has it been vacant, and how soon does the Native Authority propose to fill the vacancy?

(2) Whether it is a fact that the duties of the office of Clerk of Council to the Ijebu-Remo Native Administration are at present being performed by the Native Administration Treasurer? If so, is the latter in any way remunerated by form of acting allowance, and how much?

(3) Whether in fact the offices of Treasurer and Council Clerk to the Ijebu-Remo Native Administration stand to one another in immediate relation of superiority or subordination; if so, which is the lower office, and whether in such circumstances, the payment of acting allowance is proper?

(4) If not (in face of General Order 293 (b)) whether His Honour the Chief Commissioner, Western Provinces will order that all such payments be refunded into the Treasury.

Answer-

The Hon. the Chief Secretary to the Government:

Yes. The post became vacant on the 31st of July, 1944, and will be filled shortly.

(2) Yes. The Native Administration Treasurer draws acting allowance at the rate of £40 per annum.

(3) No.

(4) The principle in General Order 293 (a) not (b) has been adopted.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

82. What was the acreage of the land leased to the B.C.G.A. for fifty years in 1904?

Answer-

The Hon. the Chief Secretary to the Government:

There is no record of any land having been leased to the British Cotton Growing Association in 1904.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

(a) Is it a fact that Government proposes to remove the Government station from Itu?

(b) If so, where is it to be removed to?

(c) What concrete reasons are there for this decision?

(d) Has Government considered the convenience of the people, missions and the trading firms and the importance of Itu with respect to the Cross River services between Calabar and Ikom?

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Answer-

The Hon. the Chief Secretary to the Government :

(a) No, Sir; but lack of room for expansion may render such a move advisable in the future.

(b), (c) and (d) Do not arise.

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

123. To ask the Honourable Director of Agriculture whether figures exist showing the annual expenditure on Cocoa research between the years 1924 and 1944 and the total of such expenditure for the whole period. Could these figures be produced?

Answer-

The Hon. the Director of Agriculture :

No detailed records are available for the period 1924 to 1930. Investigations were then carried out as part of the departmental activities.

The approximate costs for labour, equipment and materials for cacao investigation exclusive of salaries have been:---

	Govt.	Ibadan N.A.		Govt.	Ibadan N.A.
	£	£		£	£
1932	109		1939	142	160
1933	161	100	1940	261	188
1934	136	150	1941	683	220
1935	124	125	1942	984	220
1936	186	125	1943	1,883	220
1937	218	125	1944	640	220
1938	172	160			
			Totals	£5,699	£2,013

The Member for the Ijebu Division (Dr the Hon. N. T. Olusoga): 140. (a) May I ask to be informed as to how many forms of taxation are now being paid by the people of Western Provinces of Nigeria with special reference to Ijebu Province?

(b) Is Government aware that apart from the payment of general Poll or Tribute Tax of 6s per male, the same people are being asked to pay additional Trade Tax at various rates, and that these people include Lorry owners, Goldsmiths, Proprietors of Cocoa trees, etc., under Direct Taxation Ordinance, No. 4 of 1940.

(c) Will Government not consider the advisability of withdrawing the newly introduced method of imposing income tax upon illiterate people in Ijebu Province and content itself with the satisfactory arrangement which has been in vogue up to the last financial year and thus remove great discontent as now being widely caused by the newly set up Assessment Committees in Ijebu Province.

Answer_

The Hon. the Financial Secretary :

(a) (i) A 'flat ' rate, varying in different areas from 6s to 8s per head is payable by adult males whose ascertainable income is less than a fixed limit, which in almost all employed and jobless in the country. Here are people who have no other trade before the passing of the Ordinance, but now with the passing of the Ordinance they must be thrown into the streets. So I respectfully submit, Sir, that, unless the legislation had prescribed a test and meant that this Ordinance should have retrospective effect, these goldsmiths should be granted licences. Those who join the trade after the passing of the Ordinance may be required to undergo some rigorous test before the grant. Nobody would quarrel about that Sir, but that the present ones who have expended money to establish their business just to be turned out of the trade, is a grave injustice and a great hardship and I have no doubt whatsoever that Your Excellency's administration has not such intention. I therefore respectfully ask that all the goldsmiths should be granted licences.

I come to the Development Scheme. The Development Scheme I consider a very technical scheme, and it requires a great deal of time and attention before it can be carried out. It is a very grand thing indeed. It is a very useful scheme for Nigeria. We quite appreciate that Your Excellency and those concerned have devoted much time and attention to it. We only wish we may live long enough to see the fruits of the scheme. We very much appreciate the magnificent and magnanimous gesture of the Imperial Government in granting the financial aid for the initiation of the scheme and our thanks are due to them. And our ardent prayer is that His Majesty will be granted long life and health to win the peace after this great war.

Your Excellency, I have nothing more to add but to express my sincere support of the Appropriation Bill.

The Member for the Rivers Division (The Ven. and Hon. E. T. Dimieari):

Your Excellency, on reading Your Excellency's Address on Monday one feels that great things are in store for Nigeria. Praise be given to you, Sir, and all those in authority who have the welfare of Nigeria at heart to accomplish the honourable plans for the development of the country as contained in the Sessional Papers laid on the table of this Budget Session of the Legislative Council. I expect those who are experts might be able to point out in time whatever faults there might be in them. In view of the need of the country I support the Appropriation Bill. I am in entire agreement with the remarks that to refuse to take risks is to admit political insolvency. The Honourable the Financial Secretary's speech in support of Your Excellency's was tantamount to taking the Bull by the horns and such an attitude seems calculated for the good of the people and will not fail to win their approbation. What we now wait to see is the practicalisation of all that has been said and written.

I think, Sir, that this Council ought to congratulate our former Honourable the Chief Secretary to the Government who, since we last met here, has been promoted to the rank of a Governor. For the short time I knew him I have great respect and affection for him and Lady Grantham. I wish their. Excellencies success in their new sphere of labour.

Marine Department.—Last year I remarked that more attention was being given to some parts of Nigeria to the neglect of others. There is a case in

point and I beg to refer to page 11 of the Memorandum on the Draft Estimates for 1945-46. There under Special Expenditure we have about four vessels to be built for places like Sapele, Calabar Preventive Service, and Onitsha-Asaba passenger ferry service. When I compare that with what the Director of Marine said in reply to my request for a launch for the Rivers people, viz.,

"It has not been Government policy to run a transport service where private services are in operation. The request of the Honourable Member will, however, receive attention."

I find that the requests of other Honourable Members have received attention, but the request from my constituency has not received attention.

Rivers Division.—I am supposed to represent this part of Nigeria in this House. Before I came away I asked the Resident, Owerri Province, for a definition of my constituency, but he was not able to do it. I take it, Sir, that I represent all the people living at the several mouths of the great River Niger with Degema Division of Owerri Province as my seat of action. That being so, my request (or demand) for launch services for the people I represent ought to be given first consideration. I hope in the approved estimates this serious omission will be put right.

As one representing the Rivers people I was naturally disappointed in the Development Plan to note that nothing practically has actually been planned under the Fishing Industry. This is the only reference to that industry:—

"Fisheries is another subject being given attention and a plan for the expansion of this work will be ready very shortly."

Well, Sir, last year I had such a reply with reference to the launch services and I come to find that nothing has been done; I have my fear, it may be the same with Fisheries. From all round development of Nigeria there must be the creation of a great working class of people and this to my mind can best be done by the people of every part of Nigeria being taught and encouraged to tap, to their own advantage, primarily the resources of their land. Fishing is the occupation of the great majority of the people of my constituency, and I cannot be really happy until Government has taken in hand the vital need of the people whose waterways are greatly to the advantage of the Nigerian Government to-day. I associate myself with what the Honourable the First Lagos Member said on this subject.

Farming, as pointed out by the Honourable the Member for the Egba Division, is an important occupation of many of our people living on the mainland, while fishing is that on which most of the people who occupy the river side and the sea side depend for their livelihood. With their limited knowledge they cannot produce anything more than what can give them a bare subsistence. When, as it sometimes happens, they meet with misfortune or loss or failure, the effect is that their interest in the occupation is lessened because they feel that they labour so much and get very little remuneration out of their labour. They are thus discouraged and they lose inclination to work. The same applies to the palm-cutter from whom we have our palm oil and palm kernel. This is why people think and talk of them as lazy people; I can assure this House that they are not lazy. They are discouraged by the financial return of their occupation which is not in any encouraged to stick on. Their salary should be inviting so that the best brains and those who are fitted for it may apply.

I want to refer to imports. It has been felt that in the distribution of imported articles like clocks and tennis balls the Eastern Provinces have not been fairly treated. How far this is true I do not know but I want to call attention again to the tendency to consider the Western Provinces at the expense of the Eastern.

I would like to say, Sir, how very grateful I am, as representing the Rivers people, to the British Government for the grant of the sum of $\pounds 11,420$ recently given to Opobo Chiefs as compensation for war cances and guns surrendered to Her Britannic Government in 1891. This act has indeed cemented our faith in the British people. While Opobo Chiefs are very thankful for this windfall nine of them complained bitterly that their subsidies have been withheld for over twenty years. I respectfully appeal to you, Sir, and to the Honourable the Chiefs concerned. They are the successors of Jaja, Black Fubara, Mark Pepple, Wogu Dappa, Epelle, John Africa, Finebone, Waribo Uranta, and Brown Agent. Their claim is a little over $\pounds 3,000$.

Administration.—The District Officer in charge of Ahoada Division has a great work to do in touring his area. At one time an Assistant District Officer was posted to Isobo in Ikwerre land to assist him to supervise. Through shortage of officers, there is none there at the present time, but I hope as soon as officers are available one will be posted there again for effective administrative work in the Ikwerri Clan.

In conclusion I wish to record my thanks to the Public Relations Officer for the splendid radio diffusion service which was extended to Port Harcourt towards the end of last year and for his assistance for a special grant for a decent reading room at Port Harcourt. I hope Your Excellency will not forget our aspiration to make the township of Port Harcourt a garden city.

The Second Lagos Member (The Hon. E. Ikoli):

Your Excellency, I always consider the Appropriation Bill in two parts— Your Excellency's Address dealing with policy, and the money vote which Government requires to carry out that policy. As we were led to expect, Sir, Your Excellency gave us a most weighty Address on Monday at the opening Session. It was brimming with wisdom, and what to us is more important was the note of sincerity. Your Excellency as President devised the Development programme. When this programme was first discussed about three months ago, at one of our Finance Committee meetings, I frankly told the Financial Secretary that I was staggered, it was so stupendous in its scope. Since then we have had laid before us a comprehensive outline of the plan, both in Your Excellency's Address and in the very able preliminary statement which has been placed before this House by the Development Secretary. I believe, Sir, that with Your Excellency's wise and courageous guidance we shall be able to proceed to accomplishment of this programme.

Your Excellency's statement on development has been fully explained in the Sessional Paper, and one of the things I was interested to read in the paper laid before this House by the Development Secretary was the statement that

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development in the past has been continuous. Well I am not quite sure that is altogether correct, I don't think in this country it can be said that development has been continuous. It is true we have suffered from lack of money, but the chief drawback has been lack of continuity of staff. I asked a question Sir about the office of Chief Secretary, and the reply to that was that in the last fourteen years we have had four Chief Secretaries, and not one of them has been in this country more than three years. One of them retired, and three went on promotion to Governorships in other countries. Well, it might flatter our pride and vanity to think Nigeria is the nursery of Governors, but I don't think it is worth while this country paying $\pounds 2,700$ a year to maintain that reputation. If the position of Chief Secretary is unnecessary, well in Finance Committee we should see that it is struck out.

I had hoped Sir that my Honourable friend, the Banking Member, who on the unofficial side we regard as our financial expert, would have gone a little further and told this House more than he has done about the financial implications of this programme. It is quite true, Sir, that Your Excellency is surrounded by a body of very able officers and that every item of this Development programme has received the most careful attention of your advisers locally and the most careful attention of the Colonial Office experts. But still one feels that we would like to know more about it, as there is a lot of money going to be spent. My Honourable friend the Commercial Member for Port Harcourt touched on that; he referred especially to the Public Works Department vote. Well, in times like this when, as the Development Secretary stated, millions of money will have to be spent, I hope we are not going to be led into temptation of throwing it about recklessly. It is so easy to do it and to do it unconsciously. I say so because I remember it has been done in smaller ways in the past. I can quote from my own personal experience. I was a young master in King's College in charge of the Chemical laboratory and also in charge of indenting for materials for maintenance of the laboratory. My old master sent for me at the end of the financial year and said to me " Look up the vote for maintenance of laboratories and see if we have any money left." I looked it up and told him we had £150 left. He said "Well, hurry up and spend it, because if we don't exhaust our vote this year, the Government might cut down the vote next year and we would not get the money we require perhaps when it is most essential for the upkeep of the laboratory; so go and spend it all." I went away and enthusiastically took up pen and paper and made an indent for a lot of things which were absolutely unnecessary. I ordered such things as gold chloride, which we never used, and I ordered most expensive instruments, some of which I didn't know how to use myself. In any case the vote was exhausted. Now, I can assure you, Sir, that my master, a man for whom I had a very great respect, was a man with a high sense of honour. He hated deceit in any form, and yet he was tempted to do a thing like this. Well, I didn't think anything of it at the time, but later on I began to feel it was not quite right that £150 of money, some of it paid by very poor people, should be wasted, and I felt guilty when I knew better. This is the sort of thing that one fears when large sums of money are in our hands to-day. I hope the practice is not the same as it used to be, and that our present Financial Secretary is In 1942 I think a petition was sent by the African staff of the Survey Department to Your Excellency's predecessor, Sir Bernard Bourdillon. Whether the staff is justified in sending such a petition does not concern this House, but the decision given by Your Excellency's predecessor is a matter of administration which concerns Your Excellency and your advisers.

When looking through Your Excellency's Address one sees something like this :----

"The position as regards the recruitment of African Survey Students is, if anything, even more serious. The number of students completing the combined course at the Higher College and the Survey School is not sufficient to replace the normal wastage. Since the Departmental Survey School was allied to the Higher College in 1935, there has never been a full class at the Survey School and only five surveyors have been appointed in the past nine years. The class of six students who started the course of the first two years at the Higher College in January, 1944, is already reduced by resignations to two. Even if these two continue until they proceed to the Survey School in January, 1946, it will mean that there will be a class of only two and it is most uneconomical to maintain a professional school with a highly paid instructor for only two students."

Now, in our programme of development there is bound to be a great amount of survey work and if we do not get Surveyors here in the country we shall be plunged into another expensive business of importing them from abroad. I remember I was a small boy when the Survey Department was first established and if instead of turning out so many Surveyors within the last thirty years, we are getting young men less and less interested, something must be wrong. I do not think a day passes without some parent coming to me, to find work for their children. They ask me : "Can you go to the Railway or the Marine Department or the Public Works Department to find a job for my boy?" I do not remember anyone asking me : "would I try the Survey Department and find something for my boy?" Something is definitely wrong. I do not say this to cast any aspersion on the Head of the department and the Staff, but as there does appear to be something is wrong, we have got to probe into it and put things right. I can even go further : although there is always the Official majority, I say that if Your Excellency finds it impossible to institute such a commission of enquiry, my colleagues and I may decide to refuse to pass the vote for the Survey Department. We have already a large programme, the proposals to reform the Constitution, and other business, and it is hoped unofficial members will not be compelled to take the course.

Looking through the vote for Legislature, the members of the Council must have been costing this country very very little. I do not say that we should go and vote ourselves large sum of money from the public purse, but some opportunity should be provided for parties of members of this Council to travel to the neighbouring French Colonies and abroad to learn what is happening in the outside. We are expected to be helpful to the Government with our advice, but I do not think it is much help to Your Excellency when we come here year after year during the Budget Session to repeat the same platitudes wearing Your Excellency's patience. My

suggestion will enable us to be more helpful to Your Excellency and the people of this country, and the money so provided will not be wasted. I really feel that we shall be of much more help to Your Excellency because of this arrangement.

Another thing I would like to mention about the Legislative Council is the question of reporters. I used to feel very sorry for reporters in this Council struggling in recording our speeches. I do not know how they like their job, but I think the number of shorthand writers for this Council should certainly be increased so as not to place undue strain and fatigue on one or two shorthand writers. I have a great deal of sympathy with them, because I can see from the report of speeches of this Council especially those made after the Council has been in Session for long periods that the work shows signs of a tired worker. Of course, if you are going to increase the number of reporters Your Excellency should kindly consider placing competent African shorthand writers on the same basis as you do others in the service holding higher appointments. I think it required intelligence higher than the ordinary for shorthand writers to master their job properly.

There is just one more point of interest before I resume my seat. The question of Fisheries and the office of the Director of Commerce. Of course, the Directorship of Commerce Department's vote only appears in the Estimates as a sort of token vote. We do really hope that when such a department gets going it will be useful to us, Sir. We have had a lot of hopes in the appointment of the Chief Marketing Officer and I think I raised the question here sometime ago. I was told that he has been collecting a lot of very useful informations on trade in the country. Well, I have a very definite idea about this department which is that I am unable quite to appreciate what useful purpose it serves. When new department of Commerce gets going I hope we are going to get full value for it. While on this, I may just make a passing remark about one or two questions on which Your Excellency has laid such stress in your Address. I believe the developments that are taking place are going to bring improved opportunities for African traders who have got the energy and zeal. At the present moment, we have the Import Control and Export Control. Nobody is asking that these controls should be relaxed at this moment, but sometimes one does feel that those responsible for them do not always approach their job with sufficient imaginations. It is enough to say that in a great many cases the controls have worked to the prejudice of many Africans who take up business as a career.

Now for Fisheries. I have been a very strong critic of that department of activity and I think my views have been known. I would like to see practical work done, and I have brought my point to the notice of the Government, I think last year or year before. I was pleased when I visited our local fishing offices and there saw the marvellous progress which has been made as far as the practical side of the work is concerned. I think it is a department that should be given every encouragement. I was speaking to the man in charge that I have got our men from the Delta now in the army who would probably like to take up fishing on their discharge from the fighting services. But they would not like to take up fishing as in the old days. I suggested to him that: "in anything you do, try and develop modern methods. I suggested something in the way of a training school for lads from the Eastern

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doing that, but we get our own ration." Then I said to myself, would English prisoners who are interned in Germany or Italy or any of the continental places speak so highly of the treatment given them by those people, as these people speak of the British Government? So that impressed me, and I could not let this opportunity pass without mentioning it and commending you highly.

On the other hand we have to admire the Nigerian Government for giving us all the amenities of life during this war-time. We never realised it until our boys went to England to study. There is a boy there now who went from this Secretariat, who wrote me a very long letter telling me his experiences, and one of the things he sent for was a fountain pen. He could not get it to buy in England. And later on he sent for a hot water bottle, he could not get it in England. And again for clothing materials. Well I was surprised, I said perhaps he did not know how to go about it, but someone else said that everything was rationed and that strangers could not get these things easily. Then later on some Lebanese told me that even in Syria they have to pay fifteen guineas for a suit, and that is a lot of money now in Syria. Well, here we have our tailors and everything we want we get. So we thank you very much indeed for the care you have been taking of us during this war-time.

Now Your Excellency, I have so many things to thank you for since last we met. The first is about the Post Office built for us in Agege. It is very imposing and commodious and our people are very proud of it. And that is due to your permission for granting the money that we have got such an imposing Post Office and the people want me to thank you very much for it.

Then the other thing is the Badagri Road. It will be remembered that I spoke before of that road. I was surprised last year when the Commissioner of the Colony called me and asked whether I was prepared to go overland to Badagri. I said certainly. Well he said he would take me because it was his promise. I said "You never promised me, it was your predecessor" and he said "Well, my predecessor's promise is my pledge." That impressed me very much indeed ; some would say that is other people's lookout. So on the 8th of August he took me, with the Director of Public Works, the Deputy Chief Secretary and an Administrative Officer from Ikeja. We were impressed that within an hour and fifteen minutes we got to Badagri overland, and covered seventy miles of good road. I remember in 1893 that there was a large swamp there that I waded through. It was more than ankle deep and I was attacked by leeches. This time I passed dry shod over that swamp. Well I don't know what use is being made of the road now, I think it has been opened to the public, but whether it is used for the purpose for which it was made is what I cannot vouch for, because the understanding was that it would bring more produce into headquarters and it would expedite the way that produce could be shipped to England.

Another thing we have to thank you for is the Native Administration for us in Ikeja district. We have in this room now a high official who ten years ago introduced Native Administration to the Colony Division, but failed at that time to organise Native Administration in Ikeja district because we raised objection and we thought it was impossible to do such a thing. However, the present Commissioner of the Colony and the Divisional officer worked

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hard, and last December, as you observed in your Address, it became an accomplished fact and we are all very pleased and glad that we have Native Administration, and Native Courts, and your humble servant is the first Native Authority. For all this Your Excellency I can assure you the names of the Commissioner of the Colony and the District Officer who succeeded in giving us that Native Administration will be preserved and go down to posterity. We are grateful to them.

Another thing we have to thank you for is the increment given to the pittance of the Chiefs in Ikorodu because it is only according to the money they could raise in that area. I hope it will be an incentive to the people to raise more, and they are trying their utmost. When they have raised more we hope that more increment will be given to the pittance given them every month.

Lastly what I have to thank you for is the organisation of the Native Authority Conference in Lagos every year. I think it was established last year. The previous year was only an attempt; only this last year it was successful and the people were all very pleased with it and we found that our decisions at that conference were being taken into consideration and action taken on them. We are very grateful for this because we know that without your sanction all these things could not be done.

Now, Sir, I was very pleased indeed to see in the Estimates that an Administrator-General's office is going to be built. I agitated for it, I went over to look at the place, I sent in a report and I was glad to get a promise that there would be provision made in the Estimates. As soon as I got my estimate this year that was the first thing I looked for, and it is really there, and I was glad, and I have seen already the Administrator-General and his staff have moved, and action is about to be taken all over the place. We are thankful, because as I said before we shall now get a proper "Somerset House" in this part of the world to keep our documents in and to preserve them after we have gone.

Sir, in your Address the slogan that I noted was shortage of staff, and we appreciate it in almost every department, but I believe I do not see the Colony Division mentioned there and I hope if you are going to say something about the Colony Division you will emphasise that expression with a double capital S-" Shortage of Staff." We realise it here to the effect that the Commissioner of the Colony had to climb down from his dais and do the spadework of a District Officer, and the people wanted me to thank you very much for allowing him to do so. We saw much of him every week, and whenever we addressed him in the chair of the District Officer he told us he was not there as Commissioner of the Colony but as a District Officer, and indeed he sent a circular round to keep us mindful of that fact, and he toured Ikeja, Badagri, Epe, every week, with this result Sir, that he got to know us as we thought he would not know us. On the other hand we saw much of him as we never saw any Commissioner of the Colony before. Our impression of him, and the illiterate members of the community said so too, is briefly summed up by the And so we thank you Latin expression "fortiter in re; suaviter in modo." very much for allowing us to have his services at our disposal to the advantage of the Colony Division.

There is one thing Sir, I see and personally I am very glad, I have seen it in your Address, and provision made in the Estimates too, that you are giving more attention to the question of interpreters. It is a handicap of all officers. Many a time when our District Officer got his clerk to interpret for him, those of us who heard what he said and what was being interpreted felt uncomfortable, and I say Sir, that the time has come when there should be a school for interpreters from which they could graduate before you sent them out to officers, because I have known interpreters, through their wrong interpretation, have sent innocent people to prison. I remember in the year 1897 Sir, when a Captain Roupell took us suddenly by surprise in Akure, soon after the conquest of Benin City. He had everyone assembled and an interpreter was brought and he was interpreting in such a way that Captain Roupell entirely misunderstood the people and it nearly led to blowing off the poor people with machine gun set ready. The people had to rush post haste to invite me and when I got there and listened to the way the interpreter was interpreting the people to Roupell and Roupell to the people well I was perturbed. When Roupell saw I was a different man from the assembly he asked if I would interpret. I did so, and got the people to understand and do what he wanted and the people went home happily. They were friends of Government now through Roupell and Roupell himself was satisfied that his speech was a success. The following day he sent me f.5. It was as good as f.50 to mc. I was very glad that the interpretation of one hour brought £5 and I was hoping there would be more interpretations for me. This question of interpreting should be looked into, particularly interpreting Yoruba to English. It is a fact that of all languages in Nigeria Yoruba is one of the most difficult to learn for European officers, and that is why we see so many people rush to pass in Hausa, they say it is easier. I see from the Staff List that a good many of our officers have passed lower standard Yoruba, and perhaps they could do something. Well, one of the officers I have met who could speak Yoruba very well indeed is now a Resident of Ondo Province. And when I look at his name it seems he did not want to go in for the higher examination in Yoruba, it was the lower standard Yoruba he passed and he improved very much on it, with this result, that he could converse with any Yoruba person without the aid of an interpreter. I respectfully ask Government to take this matter of interpreters seriously because the country is suffering very much. Just last week the people complained to me about an interpretation of our officer in Ikeja, and it nearly brought misunderstanding ; and they have asked me to stress it with the Government.

Sir, I come to the Education Department. During a visit to Ibadan some time last year I heard some people saying "We are going to our duty." When I asked what duty they said they were going to teach the Chiefs how to read and write. Well I am thankful Your Excellency has made the correction that it is not mass education, it is adults education. Well these people told me it was a voluntary service and we were pleased. However, I wondered if it is only an experiment confined to Ibadan. But later on I think I read from the papers that it has come down to Lagos, and that Lagos Chiefs prefer to learn English, to read English instead of Yoruba. That reminded me of my past experience and that was with regard to my own beloved father. According to C.M.S. principle he was forced to learn to read Yoruba before

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he could be baptised, and later on, at the age of eighty-one, he felt that he should like to learn how to speak English and to write his own name. He got one of our teachers to give him instruction. The teacher was coming regularly to his house, taking an exercise book to translate what he was learning in English. At that time I remember it was a Muculloch reader; and one thing he translated for my father were the English words "no sago, no potato" into Yoruba. We did not know how my father took that, but he succeeded in writing his name. It was usual for us in those days to go with our fathers to Mercantile Firms, and on Saturdays I had more time to go with mine and went to a German Agent one day. Well my father thought he had got an English expression now and that he could use that to the European without an interpreter, so after exchange of salutations my father kept repeating to that European " no sago, no potato." The European could not understand. He called an interpreter and said " what is the old man saying." My father said "no sago, no potato." He told the interpreter in plain Yoruba "No money, no produce." He was trying to tell the Agent if you have no money you get no produce. That was an interpretation according to my father of "no sago, no potato." I hope, Sir, if you are going to teach the Lagos Chiefs English you wont teach them "no sago, no potato," and you will teach them proper English. I say it is too late in the day to teach them to speak English. Teach them "bush" English if you like. Go to the East, I think all the Chiefs could make themselves understood in speaking to Government officials. Let them go and pick it up instead of getting people to teach them in school "no sago, no potato." And if you want to teach them at all it should not be done with voluntary labour. Let there be something in the Estimates and stir up the teachers to teach them properly. It is all right to learn Yoruba, but it is too late in the day now to teach them to speak English as was the experience of those days. Then again there is the tantalising part of education, that is the education of adults being encouraged and the education of young people being discouraged. There are so many of our boys and girls being turned out of school because they are past the age of their standards, but for private schools and other people giving them private education a good many of our children will be finished off. I really hope that the Education Department will see to it that children are no longer deprived of school because they are past school age. We have known people who start at ten or eleven to learn the alphabet, and after all they became graduates of London. They applied themselves, and we must not discourage our children. I hope the Education Department will now see to that for us.

And then again, on the other hand, Sir, when I went to England in 1912, I remember going to what they called a Natural Museum, I think it was Kensington Natural Museum. Well as we were going away there were certain people sitting down taking notes and looking at different animals. I asked my cicerone or guide what they were doing and he said "They have come from different parts of England to learn and what they are doing now is part of their school term, to go sightseeing." I am sure that was a great help to them. So I believe, as I had the experience myself Sir, that a man's education is not complete until he has travelled. I hope the Education Department will see to it that instead of encouraging our children to be playing football and the high jump and this and that during the holidays, they will be allowed to go and see the outside world.

In 1902 during the first time I went to Onitsha overland it took us nineteen days from Ibadan before we could get there, but last year when I went there we did it in by far less days and I saw the wonderful transformation which has taken place. I went to Onitsha Wharf and saw boys who spoke the King's English doing manual work and making shoes and slippers, selling wares in the market, and doing some other useful things. I said we should bring our children from this part of the world to go and see them. I hope the Education Department will see to this and encourage the teachers to allow our children during the holidays to travel to other parts and let them see whether they are losing or gaining. If we take them from here to Onitsha, passing through another route—Enugu way has a dangerous pass—I do not like it : I nearly lost my life there—they will be greatly benefited. I really mean it, Sir ; our children should be allowed to see Onitsha and Port Harcourt and other places, and they will change their views.

Your Excellency, you said in your Address that you did not know why children were not forthcoming into the Agricultural school. It is because of the idea, as my predecessors have just said, that "when you are learned you are not to do manual work," but when I went to the Eastern part, then I saw a different light and felt a yearning that I could get all the children in this part to go and see that part of the world.

Your Excellency, the other thing that I want to talk about is the Hospital. Well, I am thankful that action is being taken now to appoint visitors to our hospitals, but what I want to call attention to is really the Maternity Homes. That one you have got at Massey Street is a disgrace to our community. Sometime last year before the last session was over the Director of Medical Services took us there to see and we were very much struck by the congestion. I was surprised myself to see how many were expectant mothers and mothers waiting to be attended to, and how they were pressing on those who were to admit them. I remember that when Doctor Sapara was there it was only a dispensary before it was converted into a Maternity Home. He worked very hard to be able to convince people to come to it, because I was one of those who had a great belief in the native way of doing things, and I discouraged some of my people from going there ; I said, "Well, that is the European way for European people." One of my people benefited by her visit to the place. She had lost four children before and afterwards, became convinced by Doctor Sapara, she did not let me know, before going there and was safely delivered. The woman was told not to use what was called "Agbo" for the child, and she was just using water. That woman was so benefited that she became the mother of six children before she died, whereas she lost four children before. In a way that convinced our people that this thing is very good, and that is a proof that what you have brought to us was successful and helpful, and therefore it is time that the maternity hall should be enlarged. I believe it is being looked after now, and if not, I am begging that it should be done. Not only that, when I went with the Commissioner of the Colony to Badagry, I was surprised to see that maternity welfare is being encouraged and a home built where people are attending to these expectant mothers,

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under a Roman Catholic Mother who was doing the work very well, but nevertheless, the place where she was attending to these people was most discouraging. While we were there, another party went to the prison yard. The maternity home was just near the prison and the people did not like the idea of their children being born near the prison yard because of their mentality, and so they did not get people to attend; therefore they should be encouraged, and there should be a good maternity home built somewhere for our women folk in Badagry. I am glad you have got $\pounds 5,000$ voted for Agege and I hope that next year we shall be able to see that we have got the best maternity home in that part of the Colony Division.

Police Department.-Well, I am very glad that attention has been called to the reply I have got to my question about the Police wages and I am very thankful to my friends on the right and left for the support they have given me. What I want to say now is not about their wages but about the work they do. I am speaking from the experience we are having in Ikeja District. The Inspector of Police there and those under him are working under great difficulties. He has to look after an area of about fifteen miles long and twenty miles wide and all in bushes-let me call it so-because people stay in their farms and in their forests or so. For the Inspector of Police to be called away say to six miles, when there was something going on and he had to trek it or ride bicycle, is very difficult indeed. I am asking that in such places motor cycles should be provided for all Inspectors of Police who have so large areas to look after. The military people in our part have made it very difficult for any Superintendent of Police to be able to keep on the work there. Those who are being brought there-I mean Africans-are doing a great havoc in the back part of the area. You can see from the papers that there is cry every day from the people residing there that these highway people are robbing them of their wares day and night. In connection with the same thing there is a case in Court now about a man to whose house they went and stabbed him. The culprit said that he was sent to come and kill and not to rob his house. They could not get the police in time, but the man was afterwards caught through the assistance of the villagers who handed him to the police.

The Police Officer at Ikeja deserves praise vey much for his work, because he would be called by European officers either in the aerodrome or in the military camp, always attending to different people. Well, we were grieved when he was disciplined on account of the offence of two people under him. That man was informed that two of his men were caught and charged for receiving bribe somewhere. He was fined or had his money reduced. We feel that whatever regulation supports such discipline should be relaxed, particularly at this time when we talk of shortage of staff. We are thankful that this man did not receive bribe himself; he had good faith in his men that they were doing their work faithfully. It is for the Commissioner of Police to see to it that such people are no longer punished. Again, on the other hand, we would like that in offices there should be highly placed and efficient clerks to help our officers. In the Commissioner of the Colony's office there is no Chief Clerk and they have not got efficient clerks. We are experiencing the same thing at Ikeja. The district wants efficient clerks. Your Excellency, just one observation more about Hospitals. In days gone by Doctors were allowed at Government expense to go to England for post-graduate courses. This seems to have been stopped now and we should like to know the reason why such an opportunity is now lost. Why, because one could see that those who are trained seem to be discouraged and disappointed when they are not allowed to have that privilege. We hope it will be taken up now that we are talking of shortage of staff, and some of my predecessors in this debate have told you that you could make use of the people in the country if you would. I think every encouragement should be given to those trained locally to go over to England to improve themselves.

Then again, Sir, I have to thank the Director of Medical Services for taking us to Yaba to see a wonderful show awaiting us there. It is marvellous indeed; in days gone by people who went to war and came home lame had to walk on crutches. We were very much surprised when we were there by what we saw. I beg Your Excellency that the Unofficial Members of this House will not be allowed to go back without being able to see what we have seen. We saw men—wounded and legless men—in their shoes marching as if nothing has happened; it is really wonderful; we could not believe our eyes until we have been made to see the bare knee dangling: it is a great surprise; it is a thing worth spending money for. We do not know whether more disabled people are coming. I should like that every encouragement be given to these men and a permanent building erected for the rehabilitation of our people when they come back from war.

Then again, Your Excellency, I should like to say something about the Post Office ; that is a place, I believe, where an enquiry should be instituted to look into and report, because we are suffering. Well, I have a small amount of money there-I keep a savings bank book-sometime ago I wanted to know what interest I hoped to get. I sent in my book and it was there for about two months. When I did not see it returned to me, I went there myself. An old boy of mine, poor Kayode, since dead-met me and asked what I wanted. I told him that my passbook has been here for two months and I did not see it returned. He went round and round, but could not find it. Someone told him-" It is there on the shelf, we are too busy." I saw the Postmaster with about forty clerks under him and I was told that there were too many savings passbooks, but there was no one to see into the account in good time. He told me to come back in about a week's time, but poor man, he died. I had to report to the European officer who got it done for me and sent it home to me the following day. Something must be wrong-something is wrong. We do not know what the men are doing; the public are suffering; one like myself had to be kept waiting. You can imagine how many hundreds of people are waiting like myself; even some have not got their interest placed on the books for perhaps years. We hope Your Excellency will help to see to it that people are attended to in good time.

Then I come to Agriculture. A good deal has been said about Agriculture and I agree with all the views expressed by my predecessors. When about two years ago I visited Gusau I met a West Indian as an agriculturist who demonstrated a lot to me. I was very much impressed. He said that they were encouraging the Hausas there to plough the farm in their own way. Indeed I was told that they were helping one with money which he would

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refund to them after selling his produce. He was not very far from the station. So, I think that something of the kind should be done to us down here, but as it has been observed, there are so many farmers here who are not benefited by what they saw on agricultural farms, either at Agege or Ibadan. I know if the Agricultural Department had done it, it should do well, the whole idea being to save the situation on the question of gari and produce and other things that we want at this time.

Now, I travelled a lot last year; I went to Lokoja and when I went it was the rice season and I could see fields of rice after leaving Minna up to Baro. I was surprised to see rice growing even on the River Niger, flourishing so well, and I was wondering why this business should not come down to us. At Bida I saw the same thing growing like weeds and I was told that rice there is properly cleaned. If in this part we have got any single huller—not even one at Abeokuta to prepare their rice decently to come to our market—it would have been very satisfactory.

Now, this morning as I was coming I saw a woman who wanted to cook rice for the school-children. She had to spend hours to pound and fan the small quantity before cooking, because that was how uncleaned rice was sold to them at the Control market. Apparently as far as Makurdi from Zungeru and other places they got rice huller and we are suffering here. On the other hand, I went to places like Ado-Ekiti and Owo, and found that the people of Ekiti did not relish rice; they care for their yams. When I got there I sent my boy to market for rice and gave him sixpence both for the boy and myself. We both lived for three weeks on sixpence worth of rice. Owing to control no one could bring rice down here, but I managed to keep it somewhere and brought it down with me. That was why I lived on it for about three weeks before we could finish the whole thing. Now, people say "We want rice to come." They do not like Koko yam because rice has become the staple food of the country.

We are thankful to the Agricultural Department for that. I remember in 1941, I travelled with an officer who went to Epe district, to Igbogun, where they are growing rice. He encouraged them and all liked that, and the people are doing very well. Give us more encouragement : we want more rice hullers; the people are ready and we have got the fields for them. If this is done, after the war there will be no need for us to import rice from foreign countries again. This should be so and this reminds me of a certain incident that happened last year. A friend came to my house and saw an invitation to your house (Government House) on my table, and then he said : "So it is true that you people go to Government House to eat rice." I said : "Show me where you see that." He pointed to "R.S.V.P." at the bottom of the invitation card, which he interpreted to mean : "Rice Served Very Plentifully." I said : "R.S.V.P." does it mean "Rice Served Very Plentifully "? Then I asked him How do you interpret "A.D.C." He answered : "African Diplomatic Councillors." I took it for what it was worth. I am asking the Director of Agriculture to make our land-I am asking through Your Excellency that the Director of Agriculture should make our countrythe whole of Nigeria-an "R.S.V.P." place. I do not say "Rice served very plentifully," but "rice sown very plentifully," and if you ask me the meaning of "A.D.C.", I will say it is " African daily consumers."

Your Excellency, I have a really strong accusation against Government and I have to say that I really do not agree with you, Sir, in your Address, that we should have a school for tailors and that a European should come and be the Superintendent of that school; perhaps it is going to cost us £700 or £800 a year in salary. Instead of that let us develop fisheries that we have been talking of since yesterday, and I think that is the place where we want a European to come. We want more fish to eat and fish we prefer to any European tailor coming to sew dresses for us. Leave the United Africa Company and the French Company to see to that; they have got people doing it. I wish that there should be a college of Fisheries for our boys. I must say that I was not aware of it until the Honourable Mr Smith brought someone to the Finance Committee and introduced him to us as the man in charge of Fisheries. We listened to them and with regard to what they said, I did not know that there was anything going on at Onikan here. When they went away we said that we were prepared to support them. I was wondering, I think, all the time, the Honourable the Second Lagos Member had only been talking of what has taken place in another part of Nigeria; I did not know he was talking about what is so near to us. Last month, this . gentleman came. I thought he was one of those unemployed people who was trying to find work with the Government. Well, he came and took me over to see the Fishery place. I was surprised by what I saw and I made up my mind to ask Your Excellency to allow that part-the front of it-and anywhere near it to be sacred-to be reserved as a sacred place for all the fish that he could get. When I saw the net and the laboratory-I did not know that there is any laboratory in connection with fishing at all-I was surprised, and besides there are books in his shelf there. I did not know there is any book written about fish until I got there, until I saw that there is such a scientific way of studying fishing. Above all, he gave me about one hundred and fifty to one hundred and seventy names of different species of fishes in our sea and in our lagoon and the Yoruba names of them. I was surprised that there is a man taking such interest in his environment to encourage our people. Indeed, a boy wrote to me if I could hand him to the gentleman there to accept him as one of the men to learn how to fish in his department. I said: "I don't know much about it yet, you may go and see him yourself." Instead of this tailoring college or department, you should build a fishing college for our people. Incidentally, as I was about to leave this gentleman, I found that he is a B.Sc. (London). For a B.Sc. (London) graduate to come and look after fish, it is surprising to me; our boys do not know that a man of degree could do fishing, become agriculturist. They will have to go into things which need much learning before they could get into such a department and before they could take such work as profession. We want more money to be given to encourage the Honourable Mr Smith and his man in that work. Your Excellency, do not allow the Unofficial Members to go away without seeing that department. We want to see it demonstrated to us. I know the difference between a trawler and casting net and seine net : he has got everything there ready; there is much he could show us and I am sure we will profit greatly by it.

As soon as we left here this morning I saw a European who accosted me; behind his bicycle he had twine for fishing. Nearly all over Nigeria we could

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get people to go and fish in a scientific way that will benefit us. As we try in hospital in looking after patients, so I strongly recommend this department for your consideration.

Another department that I felt aggrieved because Government never took us to is the Customs Department. I happened to see the Comptroller of Customs on the day that they were giving a send-off to Lord Swinton. We spoke at length and made an appointment with him to come over on a Thursday. I went there, but unfortunately he was sick in hospital. However, his Deputy on knowing me, left his work and took me round. What really took me there was this. We were hearing unpleasant rumours about the employment of girls in that department. I have learnt that in posing any question I should first go and make enquiry in the department concerned before coming to complain here. The man listened to me and then told me that the section in which the girls are working is such that only girls should be employed there and they do not allow them to come to the department where men are employed. He proved it by taking me round to where the men are looking after accounts, and when I got to where the girls are working I was dumb-founded to see how a machine is calculating everything done in the Customs, summing up large amounts of money. This is another department I should like Your Excellency to give instructions that the Unofficial Members of the Council should go and see, and I know that the Comptroller of Customs would welcome us there. More than that, they should like to visit the Customs Wharf where pilfering is going on now and again, to confirm our opinion about it.

Your Excellency, we are very thankful indeed for so many things. I should like just to add that we Unofficial Members who attend Finance Committee every month always meet and leave with an impression of gratitude and admiration for the hard work being done by the Financial Secretary and his assistants. It is simply wonderful. I did not tell him that one day I would put in my face in his office, but when I got there I was amazed to see how he was managing to do that work. I saw everything clean; the table was clear, perhaps at night he was doing all the things he set before us, and yet almost every week we are supplied with references, memoranda and a lot of this and that. It impresses us very much and even indeed at the last meeting we asked Government to place on record our sense of appreciation of the wonderful work of one of his assistants.

I began by making a confession and I want to close by making another confession and that is this : when the Secretary of State came here last time, during an interview from what we had heard about Your Excellency, I spoke to him : "Could you keep that Governor away from coming to us here, from what we have heard of him." He said : "When he comes you will find him a very good man. Even before I left England, the people of Jamaica sent me a petition that he should be kept with them. They have found him to be a very good Governor." I think we have begun to experience it now, Your Excellency—you are a good Governor.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

Sir, I won't waste time by repeating the sentiments of previous speakers, but will get right down to business. With reference to the Appropriation Bill, it has been well defended by the Financial Secretary who has done all he possibly could in getting our finances into a very healthy condition. I don't wish to be pessimistic, Sir, but I would like to draw the attention of this august body to what happened after the last War—the slump. We have had this great war for a number of years, and nobody knows exactly what might happen to us after this war is ended. We have been told of risks and gambles. Well I never gamble, I don't think it is a wise thing to do, but when we make up our intention to gamble we should be prepared for whatever comes after.

I would like to make particular reference to the Education Department. Previous speakers have spoken quite a lot as to the things that have been wanting in this department. I would like to refer the Director of Education to scholarships. I could see from the Estimates this year that a large sum of money has been put aside for the purpose of offering scholarships to deserving youths of this country. At the same time I would like to draw the Honourable Director of Education's attention to the fact that we in the Provinces have always felt in the past and still feel, that all good things that come, come only for Lagos. Whenever there is an advertisement for a scholarship, by the time we get the notice and put in applications everything has been filled in Lagos. Sir, I feel that the Director of Education when awarding scholarships should think of us in the Eastern Provinces particularly. We have got quite a lot of intelligent youths who feel like getting on, but they cannot without the necessary help from Government. The Director of Education has in his department at present, a Lady Assistant Director of Education who has been long in the Country and knows exactly the state of affairs as far as Nigeria is concerned, and we feel the time has now come, Sir, that some scheme should be brought into operation where Female Educational Schools could be opened up in the Eastern Provinces for higher education for our girls, who presently are far below the standard of their menfolk.

Another point I would like to stress, Sir, is the question of the proposed pension or superannuation scheme for Mission Teachers. We do not know how long it is expected to come through, but I hope it will not be very long, and as far as possible I feel it should be made retrospective. At the present moment there is an exodus of teachers from Mission Schools because they are not so well paid as their brothers in Government service. Recently I had an interview with a Superintendent of Education in Calabar over a certain School-the Eket Government School, and suggested to him that this school had done so well in the past, it was high time it was raised to secondary standard, and the reply I had was that there was a shortage of teachers and it was not possible at the present. Well we feel, Sir, you have got men in the country, why not train them, pay them adequately and get the best of their services. I don't know how soon we may expect to get the report of the Elliot Commission, during a conversation I had with a very high Official in Calabar a few weeks ago he said there were eleven members in the commission, they had been sitting for eleven months and it would probably take eleven months to get their report, so that I take it we shall have to wait eleven times eleven months to get the report.

I turn next to the Police Department. The other members before me, Sir, have spoken at length in favour of more pay for the rank and file of the Police

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Force. It cannot be denied that the Police Department have done very much in keeping down crime in Nigeria. Looking the other day at the reply given to one Honourable Member by the Honourable the Commissioner of Police, I noticed from comparison of figures, that in the Gambia, Gold Coast and other Colonies better facilities are offered to Policemen; and I think even in England and Scotland the position is just the same. Sir, I think it is high time, if we must have efficiency and do away with bribery and corruption, we must give the best to these gallant lads in blue. The Honourable Member for the Ondo Division spoke about uniforms for the men. Round about thirty years ago in the Calabar Province the men had two changes of uniform. White during the summer months of Dry season and Blue serge in the wet months. I detest the present uniform which appears more like a Court messenger's uniform. We would like to see more up to date uniforms given to the men to make them look smarter than they are at present. Instead of the Fez caps why not give them Peak caps as worn by the Transport control unit.

I now switch over to the Medical Department. The Honourable Member for Calabar has already covered a lot of ground I should have taken up. I came to this council armed with statistics to show the great work done by Mission Hospitals in the Eastern Provinces. These hospitals have had no help from the Government despite the difficulties they have had during the War and yet still they carry on their good work for suffering humanity—a responsibility of the Government.

I refer again to Ituk Mban Hospital, in the Uyo Division. I really cannot see why the Government have given a deaf ear to the various appeals made on behalf of this deserving hospital. It is alarming to realise that in the whole Ibibio Division there are only two Government Medical Officers, one stationed at Ikot Ekpene and the other at Opobo to serve such a vast area. I remember the Director of Medical Services at the last Budget Session saying that Nigeria needed as many as 2,500 Doctors. Where are they? If you cannot get them during the war, why not give help to the Mission Hospitals doing work ? Some people think that Missionaries are wealthy people. They may have been in the past but they are now all poverty stricken. Members in Lagos have spoken of the very bad condition of the Wards in the African Hospital, in Lagos. Well if they can be improved in Lagos why not in other places. The Doctor stationed at Opobo tours round Eket, Oron, Oyubia, Ibeno, Ikot-Ubo and other districts while the other Doctor tours Abak, Uyo, Itu, etc., giving injections and neglecting their patients left behind in the station. I hope in the Post War development scheme some provision will be made for these Mission Hospitals.

Sir, there is one vital question—I represent African commerce in Calabar it is over import control. There is only just one Controller of Imports and he is stationed in Lagos. We in the Provinces have quite a lot of difficulty in getting import licences granted to us. You are first of all required to make good your previous pre-war past performances for any year between 1935-39, at first it was only the first six months of the year 1939; but it is now more generous. The snag, Sir, is this; it takes you over four months to get an application approved. As in the case of transport control, could centres not be created in places like Burutu, Warri, Enugu, Aba, Port Harcourt and Calabar? I think he could get the assistance of the Customs Department at these places. The distance between the East and the Colony is great. Powers have been granted to the Senior Resident Calabar for the issuing of Export and Import licences to Fernando Po. Similar difficulties had been experienced by traders in Calabar when applications for Export and Import licences had to be sent to Lagos to the Controller and he had to refer to the local Resident who as competent authority was the food controller, and if he was satisfied he then recommended and this was the cause of a delegation headed by me in the name of the African Chamber meeting His Honour the Chief Commissioner, Eastern Provinces, and to-day, we are grateful to say, having the Resident as our Local Controller no more difficulty exists.

The Labour Department, Sir, a few weeks ago, we had a distinguished visitor in the person of a Lady Labour Officer who went to the Calabar Province for the purpose of getting us interested in Juvenile welfare and after care, the idea being to get our youngsters registered while in school and to let them to choose their occupation before going out into life to get employment just for the sake of getting work. We are anxious about Education and also about work for our children. To-day in Lagos, I say without fear of contradiction, there are about 3,000 to 4,000 boys and girls roaming the streets and offices in search of work and cannot succeed. They have completed their education and have tried in vain for work at home and feel Lagos is the only place they can find work, with the result that several of them are stranded in Lagos. Could work not be created for them at home ?

I turn next to the Native Administration Staff. Promises have been made about pension schemes for these unfortunate workers, but up to the present nothing has been done, and I hope it will not be long before you consider some definite plans for a pension scheme for Native Administration Staff.

The Agricultural Department, Sir, I notice that there is a fine place at Agege where you fatten your cattle and have the best meat in Nigeria which can be obtained from the Cold Storage or John Holts. We in the East have nothing but scraggy cattle and by the time they get down to us from Bamenda they are so worn out that instead of meat we get rubber. It would not be a bad idea, Sir, if the Agricultural Department should extend its activities somewhere in the East, either at Umuahia, Uyo, Ikot Ekpene or Calabar.

The Public Works Department.—Sir, not very long ago a set of labourers engaged in the Calabar Aerodrome put up their case before the Calabar Provincial Welfare Committee about increased wages. It was simply this Sir. They were labourers engaged in Calabar Township, where they paid their rates and taxes and had their homes and were taken to the landing ground to work, but found to their greatest disappointment later on some had had Township rates and others provincial rates, some at 1s 6d per diem and others at 1s 1d, the argument being that a portion of the Aerodrome was outside the Township zone, and it was not where you lived but where you worked. I think this is unfair and unreasonable. The matter had been referred to His Honour the Chief Commissioner who recommended to Government a drawback of arrears but I am informed it was turned down by Government. I hope to interview the Honourable the Director of Public Works in a few days hence and I hope he will recommend the just dues they amply deserve,

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There is one little question I wish to mention and that is about the Junior Technical Staff in your Department, whatever that might mean I don't know. Quite recently I met a lot of dissatisfied youths engaged in your department as technical Staff. They have a strong feeling that they have been unfairly treated, that there are better conditions of service and facilities offered their contemporaries in the Marine and Railway Departments, and they would like to see their conditions of service better than they were at present. I do not see why they should be termed Junior Technical Staff, if they are Engineers and in the Engineering Trade term them Engineers and pay them as Engineers and give them the status of Engineers. Junior Technical Staff might refer to Blacksmiths or any other tradesmen. The Director feels these men have gone through a proper course and considers them the "Eyes" and "Ears" of the European Engineers but when they are posted to outstations they find they have to work under Inspectors of Works, as their bosses, men without the slightest idea of Engineering. That is wrong Sir. I do feel that these men after going through an intensive course, should be amply compensated. It has always been said that most Africans dread getting into this branch of your department because they find an easy time in the clerical Branch. I hope the Honourable the Director of Public Works will look into this matter with some consideration and sympathy.

I come here, Sir, with this wretched stuff which you see in my hand. It is the Manilla which is the currency in the Eastern Provinces. Last year I made particular mention of it in my speech, but nobody seems to be willing to accept responsibility for its presence in our markets, either attempting to control exchange or clear it out of the country. I would like some of those in Lagos to be transferred to the East to see what difference it would mean to them. A man on £120 will soon find that he earns only £60. It is only worth 6 to the shilling. I think it is a disgrace to Nigeria and some scheme should be taken up as soon as possible to get rid of this wretched currency.

Sir, as a member of the Calabar Chamber of Commerce I have noticed with some disappointment the conspicuous absence of the Commercial Member for Calabar. The last member resigned sometime in July last year, and it was only a few days ago we knew he was missing no successor nominated in his stead. Sir, I have done but before taking my seat I must join the other members who have spoken before me to offer you my congratulations for the very able manner you delivered your speech in this council on Monday, and also for your able address, which has been most instructive and inspiring. I shall keep my copy and preserve it as a momento for generations yet unborn.

The Member for the Ibo Division (The Hon. E. N. Egbuna) :

Your Excellency, many of the speakers before me commenced by referring to the speech addressed to us by Your Excellency at the opening of Session. Indeed the policy and principles which Your Excellency seeks to introduce have made the other topics of this Budget Meeting seem rather unimportant. Most of the Members have refrained from discussing the various Departments and enquiring into expenditure, but I do not believe that it is because the work done by the Judicial and Legal Departments, for instance, is so good that they have escaped criticism of any sort.

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In connection with your Address, Sir, several Bills—very important Bills have been presented before this House for consideration with a view to being enacted into law. A few of them are so important indeed, I believe when the time comes for them to be debated Members will have quite a lot to say about them because they have far reaching consequences.

I refer first of all, for instance, to the Minerals Ordinance and the Private Hospitals Bills ; then again there is the Ordinance to amend the Appointment and Deposition of Chiefs, etc.

Taking the Minerals Ordinance, there is a point which I believe was made by the Honourable the Solicitor-General, when dealing with a certain paragraph in it namely, that the property in Minerals has always been vested in the Crown and he appears to forestall criticism of the section dealing with that by promising to make a concession and substituting the words "Government of Nigeria" for the "Crown." That alteration will make no difference whatsoever. The principle of what this Bill seeks to do, I think, is to deprive the owners of their mineral wealth. I do not think that at this stage I will speak on this but will reserve my comments for the Second Reading of the Bill. I do not think it accurately describes the position or makes it more welcome to the people by saying that the Bill has something to do with nationalisation. I do not think by vesting the minerals in the Crown the industry becomes automatically nationalised. Again I mention this because I think it is important and I hope to refer to it later.

Then there is the Ordinance to amend the Appointment and Deposition of Chiefs. In introducing this Bill there was an attempt by the Chief Commissioner of the Western Provinces to explain it away. He attempted to indicate that—although in principle your Excellency will have the right to depose a Chief—in practice it would only mean that Your Excellency would be expected to give recognition to a state of affairs generally approved by the other Chiefs and people concerned. There is quite a great deal of difference and it is most unsatisfactory. If a person has been duly elected under the customary laws of the country that person is a Chief and ought to be accorded the recognition of the Government without question. If that is so there is no need for the Bill.

I think in spite of what the previous speakers have said it is necessary to refer to a few of the departments and their work in relation to the services which they have rendered to the people of Nigeria.

Education Department.—After what the Honourable Member for Ondo has said and the Member for the Rivers Division I only wish to add that I consider the work of this department has been, in general, unsatisfactory in spite of the effort which, no doubt the head of that department has put into it. There is widespread dissatisfaction and the sooner the cause is gone into the better because it will create greater confidence in the people. In the East there is a very acute shortage of Secondary Schools. I think we need quite a number of them. Thousands of children every year are turned away. A year ago I suggested that if the people were in a position to finance their schools they should be encouraged to do so. It is quite clear that financing schools in theory is one thing and being able to produce funds is another and, in view of the fact that this Government has more or less committed itself to a very

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extensive scheme of development I think the sooner the problem is tackled the better. With increased education will come increased facilities for the people. There will be a higher standard of living and it will no doubt be to the benefit not only of the people of this country but also to the people of other countries. In the East, for instance, I think there is only one secondary school run by the Government and the capacity is so limited that it has failed to satisfy its main object. It is said, of course, that staffing is the difficulty but I am sure if the department would encourage people in the teaching profession sufficiently there would be no trouble in getting the proper personnel of Africans to staff the colleges. For example I know of two young African officers who have been encouraged and sent abroad for education and I believe they are an asset to the department and are giving very good satisfaction.

The problem does not end with the building of secondary schools because, after all, there must be some sort of feeder schools up to Middle II or Standard VI from which students could gain entrance and admission to the secondary schools proper. In these days when the Government are offering the facilities the Administration people should encourage the native villages to have more elementary schools or the missionary bodies should be given a freer hand by allowing them higher grants-in-aid.

The people are thirsty for education and I think they should be satisfied.

Medical Department .- A year ago I said quite seriously that in spite of the colossal expenditure in that department nothing much had been achieved because although we are proud of the Medical Officers and Assistants we have; there appears to be a need for more. It would appear that on account of private practice, which Medical Officers still undertake because it is part of the agreement of service most of the working hospitals have been neglected,and no doubt hospitals and their patients suffer in consequence. That being so I did suggest last year that greater use should be made of the Assistant Medical Officers. Then I went on to say that you could not compare them with the attendants who ran the Native Administration Dispensaries. The country is so vast and there is so much need for medical services that these young people graduated from Yaba should be encouraged to take their. work seriously. It is unfortunate that the department does not seem to encourage them very much. It would appear they are slighted. They are made to feel that they are not what the Government has set out to make them-that is fully qualified medical practitioners. This makes it impossible for them to remain and they are itching to get out of the service in spite of the monetary considerations. If they were offered better salaries and made to feel sufficiently important, they might render. to this community a greater service. One of the ways I would suggest would be the erection of smaller hospitals in between larger hospitals and to be taken over by and controlled by the Assistant Medical Officers. Several of these various little hospitals could be linked up and a Medical Officer or Senior Medical Officer put in charge to supervise the whole lot. At hospitals where these Assistant Medical Officers do function I am told there are so many irregularities and they are not satisfied with their conditions of service. It would appear that the Government, after having spent so much

money on their education, prefers to allow them to walk out—as all or most of them will do— rather than encourage them to stay on.

Referring to Nurses—I do not know what qualifications are necessary for female nurses to be engaged but I believe the standard required is up to Middle II or Middle III. In fact I am told no person in Middle III or IV ever gets an opportunity to be a nurse in the Medical Department. There is a great preference—and quite rightly so—for those who have attained Middle VI. That is unfortunate because I believe in nursing it is not ordinary education that counts but, first and foremost, the ability to work and serve. I have no reason to doubt that those nurses, on account of their greater attainments of learning are less willing to serve—they think they are too good for the work. So rather than have a group of workers who think they are too good for their job I think it is better to reduce the standard and get people who will get down and do the work for which they are paid. We cannot be sentimental on this point. Hospitals are a necessity and anybody who chooses to be engaged in that branch of work must be encouraged.

I want to make special reference to one hospital at Owerri. There is some inconsistency in the administration of that hospital. Although it is a Government hospital and the Medical Officer and Staff are maintained by the Central Government funds yet the buildings are the property of the Native Administration, and so you have two bodies responsible for one institution. The Central Government maintains the staff and equipment but the Native Administration is responsible only for the building and its maintenance. If we take the Hospital Bill seriously it seems to indicate that you cannot expect efficient service while this state of affairs exists. This institution should be taken over by the Government completely and I request the Honourable Director to make a recommendation to that effect. It will lead to greater efficiency and much satisfaction.

Your Excellency, just a word in regard to Forestry. In the Eastern Provinces, especially in the Bende division of the Warri Province there is great consternation about forest reserves and the conditions under which permits to fell timber within these reserves are granted. I am told, and have no reason to doubt its correctness, that it is necessary on making application to fell timber to pay a sum of $f_{.3}$ for the permit. You are issued with a permit-at least for a certain period-possibly two or three months-and at the expiration of that period the owner of the log automatically loses his right thereto if, in the interval, he had taken no trouble to saw up the wood and remove it. The Forestry Department comes along and says "If you want to remove this log you have to pay us another £3 and take another fresh permit." The people say it is ridiculous. They say that once they have been allowed to purchase a permit it is improper for the Government to recover another sum as large as the one previously paid by them and they suggest, that on the second occasion, the Government should be satisfied with a token sum of, say, 1s in order to renew the permit and remove the log. Actually I do not think the Government should receive any more money. If an ordinary trader did this he would be called a cheat.

It would also appear that no serious effort is being made by the department to replace the timber in that area that has been cut. The people say the **Council Debates**

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Forestry Department should be made to replace this wood otherwise there will be a serious shortage and they are anxious that special attention be paid to that aspect by the Forestry Department.

In dealing with the Post Office, it strikes me that no serious efforts have been made by that department to connect the various townships together by telephone. For instance, I believe it is possible to get to Benin from Onitsha. It is also possible to connect Oshogbo, Ibadan, Abeokuta and Lagos. They are on a direct line. But as soon as you attempt to get Lagos from Onitsha, you find it is impossible. Certainly there are people who would be prepared to pay proper charges for telephonic facilities, when it is not convenient to send telegram. As it appears that the trunk is through, I ask seriously that the Postmaster-General should make effort to open the line to the public. The public do want to use telephone as well as the Government.

Dealing with the Iudicial Department, there is not much to say except that . it is gratifying that quite a number of Africans have been appointed Magistrates recently and another has been made an Assistant Judge. Of course the question of their salary is a matter which will be tackled after the war, but it would be better if it were tackled now. If the officers are giving much useful service and expect to get sufficient remuneration for it and, I see no reason why that question of adequacy or inadequacy of salaries should be deferred. Under the new Bill, the Magistrates' Court Ordinance, the Magistrates would be expected to assume a more onerous burden than they have hitherto. Their jurisdiction will be increased, the amount of technical work they will be expected to do will be greater than before. As a matter of fact they will supervise most of the cases that come before them. But one point I want to make and that is in view of the increased jurisdiction the Magistrates Courts, Government should consider making the personal emoluments attached to the post of Magistrate commensurate with this new dignity. There is a felling that African Magistrate are inadequately paid, and I am quite sure in the administration of justice more than in any other walk of life you do expect the people responsible to be well paid in order to put them at any rate away from any possible temptation. I think they are not well paid and that is the only reason it has not attracted the young men who would ordinarily accept these posts. An initial salary of £400 for a person who has been in practice three or four years is certainly not very encouraging. In connection with this I might as well mention the Legal Department. I think in this year's Estimates there is still one post of Crown Counsel to be filled. Last year there was much talk about it, and I believe the answer which the Honourable the Attorney-General gave was quite satisfactory. But I don't think there is much point in keeping that post open if there are no men available to fill it. I believe there are people, young men, who may be induced to accept any of these posts in the Legal Department and who would be willing, after accepting it, to study and take instructions from their senior as to how the work should be done. It does not much matter what qualifications a person has, for as soon as you get into a department you do routine work and have to understand it well, and I think it would make for the fine relationship between the Legal Department and the practising Bar if they were to consider appointing someone, preferably a person of African descent, into that post which is vacant in the Legal Department

The post of Crown Counsel carries with a much responsibility and is concerned with important aspects of Government, and if we are to co-operate in this new constitution our people must be made to feel their responsibility. They must be made to feel they can be relied on and trusted, and unless you try them there is no means of checking up when the time comes for them to assume more serious posts.

With regard to the Survey Department, I think I can do no more, in view of the remarks made by the Honourable Member before me, than ask for an Inquiry. There is no doubt there is widespread dissatisfaction among the Africans, specially the juniors in that department. They may be justified in their discontent, they may not, but the fact remains that until Government is able to tell us sufficiently why these men are so dissastified with tehir work from which they earn their living, it is extremely unlikely that the department will be able to fulfil its mission and serve this country as best it can. There is much talk about the members of the department not having the requisite qualifications and are therefore handicapped, but it is significant that most of these junior people employed in the Land and Survey Department who are supposed to be handicapped by lack of knowledge, do in their ordinary course of duty check up the work submitted by licensed surveyors and if they fail to pass it that work goes back to the surveyor and has to be done again. Although they are good enough and sufficiently able to check licensed surveyors' work, yet when it comes to consideration either for granting of licences or for higher recognition then they are pronounced unsuitable. It is obvious that if we persist in that attitude of mind that department cannot attract useful people, and it will be no answer, in my view, in future to say that as there is a shortage of qualified men, of African staff, the only solution is to import ! If that happens I will contend that it was the deliberate intention of the department to discourage Africans in order to import Europeans.

With regard to the Police, the Honourable the First Lagos Member has dealt extensively with this plea for better conditions. I am satisfied that certain improvements have been made and I am happy to know that at any rate quite a number of Africans have been considered suitable since last year for promotion as Assistant Superintendents. I offer my congratulations, and I hope more and more of them will be made to feel their responsibility. It is only by recognising the ability of the senior members of the staff that the juniors, the rank and file, realise their responsibility and give of their best. The question of uniform is to my mind important, and I think every effort should be made to give them more suitable garb and also to make their appointment, that is the rank and file, more secure by giving them a pension scheme. As things are, at present any person who has been in the force for twenty-five years, may suddenly find himself cut off without any consideration whatever, invaluable though his services may be; he is not entitled to pension, or to any ex-gratia payments. But these people are very useful. Their work is very difficult, hunting down those who are not law-abiding, and sometimes those who are law-abiding as well. Unless you are able to pay them well corruption is bound to continue. As it is I don't think anyone seriously contends there is no corruption, but I think the solution lies in making their conditions of service better than before.

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The speaker before me referred to the Public Works, and the large sums of money which would be voted under the new Development plan and placed at its disposal. It is hoped that when the work under this new Development plan comes to be done or when the money comes to be voted, the head of that department may consider the advisability of giving employment to as many bricklayers, masons, carpenters, contractors as possible and so make the African feel that the work being done is mainly for his benefit. I see there is a feeling in that department now that all work should be done by their own men instead of contractors. There may be justification but it is my view that when there is work to be done and money to be earned outside contractors should get a share. And certainly it would satisfy a large body of men to feel that when doing work under this Development scheme they are deriving adequate monetary consideration from it.

There is one department concerning which I would like to make observation, and that is the Public Relations. Last year the approved estimate of expenditure together with personal emoluments was £13,840. This year this House will be called to approve a total expenditure of $f_{25,620}$, and the excess is said to be for the purpose of engaging a Director of Publicity, Cinema Officer, Cameraman, Assistant Technical Director, Producer, Recording engineer and so on. One would have thought that this department, which was very useful for the duration, is not so necessary now. I don't know what plans have been made for it after the war, but to my mind this is nothing but a propaganda department. It has done very valuable work, with the British Council, but it is quite clear its work is propaganda, the necessity for which we all accept in these difficult days. But it would appear that Government proposes to retain the department possibly after the war.' I may be wrong, and I am open to correction, but if it is to be retained I would like to know for what purpose. I think it is possible, in the days to come, when money will not be so easy to find, that we should cut down expenses in connection with non-essential services. It may be possible that this department is essential, but I think Honourable Members on this side would like to know what purpose it will serve after the war.

The last department I will refer to is the Agricultural Department. The experiments which this department have undertaken in the past have not resulted in any definite benefit, to my mind, to the community as a whole. Year in, year out, the Head of that department promised a better future for the agricultural industry and for that purpose a large body of experts was to be engaged who would be able to put us on our feet. But what is the result? It is quite clear that the people in this country would like an agricultural policy which would help them. We cannot advise people to go back to the land unless we make it reasonably certain that when they do get back to the land they will enjoy a measure of prosperity. It is not sufficient to say that by going back to the land you will feed yourself. That is quite true, a hundred or two hundred yams a year are sufficient for the ordinary man. But then he would require to clothe himself and his family. Unless he is encouraged to work sufficiently he wont be able to have produce enough to sell and be able to get the other necessities of life. There have been agricultural schools, and agricultural experimental farms dotted over the country especially in the Western Provinces. We in the East at any rate If Nigeria has done without them (I have been in Africa for twenty-five years and spent twenty-two in Nigeria) for twenty-two years then they can wait another three months and so give Members on this side ample time to study the Bills in detail and, in that respect, Sir, I am going to ask you to play cricket without too much argument. Whether I shall be successful is another thing.

I should like, Sir, to associate myself absolutely and unreservedly with the remarks made by the Honourable Member for Mining—with all his remarks.

I also sympathise with the Honourable Member for Ondo in his remarks regarding the inadequacy of the Agricultural, Educational and Medical Departments but I am not going to criticise these departments because I attribute their shortcomings very largely to lack of funds and the lack of continuity of policy and, in some instances, lack of continuity of heads of departments.

That brings me to something which is rather worrying me and that is this thing here-Sessional Paper No. 6 of 1945. Here, Sir, we have a policy-it is called a "Development Plan "-but, nevertheless, it is a policy. A policy designed to provide for the development of this country over a period of ten to fifteen years, so far as I can see. So long as you, Sir, are in office and so long as the Honourable Development Smith is with us the plans will undoubtedly go along. You have designed the policy and I have no doubt you will see that it goes through: We can, therefore, expect continuity of thought and continuity of action and that is the great thing "action". But what happens when you leave us or if the Honourable Development Smith is transferred. Are we again going to be faced with new ideas-new policiesa complete change of face-perhaps stagnation again ? I know at the moment you are not in a position to answer that question, but, in view of the fact that one Honourable Member of this House was told exactly how many Chief Secretaries Nigeria has had in a given number of years, and in view of the changes I have seen from year to year, I consider it would not be out of place for this House to ask the powers that be, that those who have launched this Development Programme upon Nigeria should remain to see it through, It might mean loss of promotion, which in some instances would carry with it loss of remuneration. Well, Sir, I feel also that if loss of promotion, coupled with loss of remuneration, is going to be the bar then this country can stand the extra remuneration. I honestly and sincerely feel that the people who have launched this programme should stay and see it through and not leave Nigeria to the tender mercies of new Commissioners, new folks and new ideas. As a typical example of that, you, Sir, have been in Nigeria for a year or more. You have toured the country extensively. You have seen things from a different angle to many of your predecessors. You have given us for consideration a paper which is designed to provide a new future for Nigeria. I venture to say, Sir, that none of your predecessors would have given us a paper reviewed from the same angle, and that is a typical demonstration of how new minds change policies. New Commissioners may destroy the work of predecessors and I would urge that this House ask that those launching the programme should stay until the programme is well under way if not entirely completed,

Council Debates

Mar. 8, 1945]

One particular Bill, Sir (although I know nothing about the Bills) I welcome in principle and that is the measure for providing employment for ex-soldiers, and I can assure this House and the Honourable Commissioner for Labour that every worth while employer will co-operate with him in this respect. I think so far as the European Members of the House are concerned we are mostly ex-service men, mostly relics or victims of the last war, and we know the trials and tribulations of the last war and the period which followed and, for that reason, the House can take it from me, as the Commercial Member for Lagos, that the Bill will have the whole-hearted support and co-operation of the Chamber of Commerce in Lagos.

Your Excellency's address is a very comprehensive one and covers the whole field of Government completely. Your speech outlines a policy and is a message of hope and optimism as well as a record of facts.

So far as the Development plan is concerned, various Members have alluded to the financial aspects in various ways but I should like to take a series of figures stripped entirely of all that surrounds them.

The position as I see it, and I should like to be corrected by the different Heads of Departments responsible if I am wrong, so far as Roads are concerned it is proposed to spend £5,600,000 to £1,845,000 on A roads, £755,000 on B roads and £3,000,000 on Feeder roads. Towards that expenditure the Colonial Development Fund is going to give us £1,810,000. The Native Administration will contribute towards the feeder roads—I take it that is correct-and we hope that further applications to the Colonial Development Fund in due course will provide us with more money. If it does not then we shall have to decide whether the work comes to a standstill or we find the money ourselves. Rural Water £5,000,000 is the estimated cost, and again the British taxpayer is contributing £1,889,900 and we hope more jam will be passed to us when we require it. So far as our own contributions are concerned, I personally wish that those who went home to see the Secretary of State to persuade him that Nigeria required attention-to cadge the money out of him if you like to put it that way-I should like to see those same people complete the balance of their schemes as quickly as possible, go home again as quickly as possible, and get an assurance as quickly as possible that we are going to get the rest of the money. There is nothing like striking while the iron is hot, and we know our own weaknesses, and we know that whilst there is an enormous amount of shall we say sympathetic feeling and understanding with the difficulties of the colonies at the present moment, it is quite possible, when the war finishes, that there will be an enormous amount of sympathetic understanding for our own difficulties at home, and I feel we should set to work to get all we can as quickly as we can, and if possible make sure we have to pay as little as possible.

The next item is Urban Water supplies. Your Excellency, as I see the picture stripped of all words, there is an expenditure of $\pounds 5,000,000$, of which $\pounds 539,500$ is going to come from home. There will be contributions by the Native Administrations—it doesn't say how much—loans, and again further hopes.

Tele-communications $\pounds 900,000$, of which $\pounds 230,000$ is going to be given us from home, and the balance is, to be definitely raised by loan,

Electric and Hydro-electrical development is going to cost \pounds 1,800,000, of which we have \pounds 370,000, giving us the balance to be raised by loan.

The Building programme is estimated to $\cot f_{2}9,000,000$. Now the cost in this case is to be met by the Colonial Development and Welfare Fund up to 1950-51, so the Nigerian taxpayer need not worry about the buildings going up, they are going to cost nothing but maintenance. I suppose after 1950-51 if we have not completed our buildings we will have to take a chance on what comes.

The anti-malarial measures are completely provided for from home sources.

Education is estimated at $\pounds 6,000,000$. It is not yet known how it is to be spent, except for vocational training, which will cost $\pounds 1,688,000$. $\pounds 1,382,000$ is being provided by the home taxpayer, Nigeria paying $\pounds 306,000$.

Medical schemes are to cost $\pounds 8,000,000$ when they are ready, but there are no plans on the table.

That briefly is as I see this Sessional Paper No. 6 stripped of its dressing, so it is obvious Sir, that we must be under no delusions that whilst $\pounds 6,590,000$ has been actually granted us, the balance is a matter of chance alone. In any case we have to ask ourselves, is it worth the risk? I definitely say it is worth the risk, and for that reason I support it.

Your Excellency, if you have no objection I will go on with the rest of my speech to-morrow.

Council adjourned at 4.33 p.m. until 10 a.m. on Friday the 9th of March.

Debates in the Legislative Council of Nigeria

Friday, 9th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Friday, the 9th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G.

- The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, C.M.G.
- The Chief Commissioner, Northern Provinces,

His Honour Sir John R. Patterson, K.B.E., C.M.G.

- The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.
- The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.
- The Attorney-General, The Honourable H. C. F. Cox, K.C.
- The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Director of Education, The Honourable R. A. McL. Davidson.
- The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D, R.N.B.
- The Comptroller of Customs and Excise, The Honourable J. McLagan, o.B.E.
- The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.
- The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.
- The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.
- The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.

- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.
- The Director of Public Works,

The Honourable H. E. Walker, C.B.E.

The Acting Director of Agriculture, The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member).

The Honourable G. L. Howe,

Solicitor-General (Extraordinary Member).

The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).

The Honourable E. A. Miller,

Commissioner of Labour (Extraordinary Member).

The Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member).

The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member).

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UNOFFICIAL MEMBERS

The Member for Calabar,

The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division,

Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C. The First Lagos Member,

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos,

The Honourable J. F. Winter.

The Second Lagos Member,

The Honourable Ernest Ikoli.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The Member for the Cameroons Division, The Honourable J. Manga Williams (morning only).

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E. The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division,

The Honourable J. Ogboru.

The Third Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division,

The Ven. and Honourable E. T. Dimieari.

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The Member for the Ibo Division,

The Honourable E. N. Egbuna. The Member for the Ibibio Division,

The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province,

The Honourable D. P. J. O'Connor, M.C. The Resident, Ilorin Province,

Captain the Honourable J. P. Smith.

The Resident, Ondo Province,

The Honourable E. V. S. Thomas.

The Resident, Bauchi Province,

Captain the Honourable H. H. Wilkinson.

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 8th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions Nos. 5 and 6 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 40, 43, 45-50, 52, 53, 56, 58, 59, 64 and 66 by the Honourable the Third Lagos Member, Nos. 79-81, 83, 86 and 87 by the Honourable the Member for the Oyo Division, Nos. 98 and 99 by the Honourable the Member for the Ibibio Division, Nos. 106, 107, 109 and 110 by the Honourable the Member for the Ijebu Division, Nos. 117, 118, 120 and 124 by the Honourable the Second Lagos Member, Nos. 130, 133 and 134 by the Honourable the Member for the Calabar Division, Nos. 141, 143 and 145 by the Honourable the Member for the Rivers Division are not yet ready.

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BILLS

(Second Readings.)

THE 1945-46 APPROPRIATION ORDINANCE, 1945

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

Your Excellency and Honourable Members, yesterday I concluded by undressing the Development Plan, and I suggested that we should get to work and get the necessary money during the next ten years, and we should not, if it could possibly be avoided, prolong the process for fourteen or fifteen years owing to lack of material or staff or lack of anything else.

There is one thing I should like enlightenment upon in connection with the particular Sessional Paper. Here and there I find the term "free grant" has been used, whereas in other places it says "a sum has been allotted." I should like enlightenment as to whether there is any difference between those two particular terms, or whether they mean the same thing.

Now, Sir, at the risk of repetition, it boils down to this, that altogether we have been given by the British Government £6,946,000, and this also covers Leprosy work and the Zaria Literature Bureau. I appreciate that at this particular moment nobody in this House can say anything to commit the Secretary of State, nor can he commit himself until his new Colonial Development Bill has been pased by Parliament ; but, nevertheless, I feel that we are justified in assuming we shall receive further substantial help, therefore if we receive twice the amount of help that we have done up to the present, it will mean that Nigeria will probably have to raise £2,000,000 per annum out of its own resources after using up its surplus, in addition to finding the money for the maintenance of Government, etc. Well, Sir, can it be done or can it not be done ? I think it can be done, and there are two methods of doing it. We have a section of the Press which repeatedly refers to Russia. We can of course apply their methods, not the usual methods of to-day, but those of twenty years ago, when instead of a Commissioner of Labour they had a Commissar with a revolver and the people were worked until tired, were just given time to rest and then started to work again. That is not the British method. The other method is the one referred to in the Sessional Paper No. 6, and that is to increase productivity which is mainly an agricultural problem. Nigeria is, and for many years to come, will be agricultural. Now increased productivity must mean increased Revenues. I submit this is a matter which the Agricultural Department and the Honourable Development Secretary and other members of the Government should at this stage consider very very carefully. They should concentrate upon this problem now whilst we are still free from world competition, from competition with countries that produce exactly what we are producing, but produce it by modern methods. We hear from time to time in speeches that the farmer cannot make agriculture pay because of the high costs. Personally I doubt very much if there is one farmer in this country who even knows what his production does cost. But, nevertheless, assuming that to be correct, increased productivity must carry with it reduced costs. There is no doubt about that, because our competitors, who will undoubtedly reappear in due course after the war has finished, are artists in modern methods, and modern methods mean reduced

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costs. When our commodities are placed on to the world markets in competition with commodities of the other countries, nobody is going to pay more for Nigerian cocoa or palm kernels merely for the pleasure of seeing "Nigerian produce" stamped on the bag. People are going to buy in the cheapest market. The manufacturer always will, the consumer always will. Your Excellency, one of the reasons for any high costs in production is that Nigeria employs the agricultural method which I prefer to call " scratch as scratch can." Every little farmer, every little allotment holder, scratches the soil in his own way. He produces enough merely to satisfy his own particular desires. In some cases he is ambitious but in most cases he is not. Now, Sir, that provides the responsible departments with the problem of how are they going to increase productivity, at the same time reduce costs, and still at the same time make agriculture financially interesting to the land owner and to the labourer. Those four things have to be combined and it is my personal opinion that they can only be combined by a change of method. By change of method one must visualise more machinery and must hope that the African will be less suspicious of everyone who comes along with energy and new ideas. Also, I am not at all certain, that while a great deal of criticism has been levelled at what is known as the Minerals Ordinance, it is not about time that Government went into a huddle and considered a Land Development Ordinance, and then we might find we can produce tonnage on a grand scale.

Sir, I am going to take the risk of referring again—you may say I am referring to it under the heading of either Development or Agriculture—to the White Paper upon Cocoa Control in West Africa, when the Chief Secretary so very successfully got up a couple of seconds before I could and spoke on it just as I was about to follow the Honourable Ernest Ikoli. I appreciate what the Chief Secretary has said, but nevertheless, Sir, I feel that I should like my remarks to be on record because they are in common, I think, with what all Unofficial Members here think. This is not a Resolution, because no Resolution is permitted, but I should like to refer to the Resolution which the Honourable Ernest Ikoli had on paper, and to say how I had intended to amend it, if the Chief Secretary had not jumped up one second before I did. The Resolution was :—

That this Council cannot, in the interest of the local African producers and large numbers of others affected, endorse without modifications of a very radical nature, the policy declared in the White Paper (Cmd 6554) recently issued on the future marketing of West African Cocoa and asks the Government of Nigeria to recommend to His Majesty's Principal Secretary of State for the Colonies reconsideration of the proposals in the said White Paper.

Now, between the words "Colonies" and "reconsideration" my amendment was going to be the insertion of the words "to consult in organised conferences all interests in interested allied and friendly countries, all interests in the United Kingdom and throughout West Africa and then give." That was what I intended, Sir, to put up as an amendment. We probably differ on this side of the House as to the objections against the White Paper as it stands. I have no doubt that my opinion would differ from that of the Honourable Ernest Ikoli as to why it should be opposed. I have no doubt I should be accused of representing vested interests, or shall we say invested interests. But nevertheless my one principal objection-and I should like this recorded on paper-is that it does not merely visualise a continuance of war-time control, to which nobody would have the slightest objection, but it visualises a control for all time upon the "buying and selling" of that commodity, and I say it visualises this control for all time because it definitely states in the White Paper itself that the scheme " while designed to meet the special circumstances of the West African cocoa industry, can be fitted in without difficulty as a part of any wider international scheme that may be established." Well, if anybody imagines that other new cocoa producing countries are not going to take advantage of an umbrella of this nature, but are going to come in, and we have a repetition of the Stevenson scheme which controlled rubber, then I think they are foolish optimists. If the Paper had set to work to put some control over productivity so as to aid the farmers, by the employment of modern methods, by modern methods of instruction, by legislation if necessary to introduce modern methods to increase output of cocoa and yet make it remunerative to them, then something could have been said for this Paper. But, as far as I can see, it is an attempt to interfere with natural marketing, natural marketing by everybody interested, right from the farmer to the consumer.

Now, Sir, I wish to turn to your speech. There are one or two things I would like to refer to briefly.

In page one of your speech you stated—if I may refer to it :--

"In other words the promotion of health, education, better food and more diversified industries must go hand in hand with the building of a body politic."

There is a vastly different outlook upon the meaning of industries in this country, and I feel that the Development Secretary should, at a very early date, take the opportunity of categorising those various industries and make public which in the opinion of the Government can be deemed as permanent industries for the welfare of Nigeria and which are merely birds of passage industries created for the war and will die with the war. I do feel that industrialisation is surrounded with a lot of misconception and that people in this country really believe that in ten years Nigeria is going to have massive factories with chimneys belching out smoke, that we are going to import heavy plant and machinery and such other things. I know this might be a subject to which the Development Secretary may like to refer, if not at the present Council, then later on in one of the leaflets he issues.

On page two of your speech—I am not referring to the Address which you have delivered—Your Excellency stated :

"I want to emphasize those principles to the best of my ability. I believe in insisting on capacity, irrespective of colour, for the public service. The test should be—must be—not what is the racial classification of any given candidate, but is he adequately equipped for the job? I have no prejudices save one against incapacity, and I suggest that that is a principle, not a prejudice."

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That, Sir, is grand and if adhered to it will kill once and for all the pet theme which exists in the Government Service that promotion must go by seniority, that any job carrying with it a higher salary should go to the most senior man. I myself am a firm believer in promotion by merit and not by seniority and I hope that during your tenure of office this policy will be adhered to no matter what squeals and cries there may be about seniority being overlooked, no matter how the outside public may howl about it, because they cannot be the judges of the merits of individuals working inside the Service : it is only the responsible individuals working inside that concern who can be judges of the merits of those who surround them. I hope you will adhere to that and where you find a good material, whether it be African or European, that material should have accelerated promotion.

I think one of the curses of the Government is the Blue Book and Staff List, where everybody's salary is shown. When you promote a man from $\pounds 960$ up to $\pounds 1,500$, there is a general howl and that particular individual becomes the object of jealousy. Scrap that Blue Book and Staff List, or keep it in your Office, and there will be greater happiness in the Government Service.

On page three of your speech you said :

"The daily iteration of short-sighted commonplaces, whether it be by those who decry the possibility of progress or by those who demand it with unreasoning haste, contributes nothing to the solution of our problems." I am afraid that those who decry a policy of progress usually do so because of the poor material available to those who demand it with unreasoning haste. That, Sir, is my personal opinion.

I am pleased to note, that on page four of your speech, you have made a very, very frank reference to accusations of exploitation and you have given an analysis of the term "exploitation;" you have told us and the public frankly what exploitation means and you have differentiated between useful exploitation and filthy exploitation. There is one little sentence I wish to refer to:

"The worst case of exploitation I know in Africa have been exploitation of Africans by Africans."

Well, Sir, during my career in West Africa no one could accuse me of being naughty or unfriendly to the Africans, but I can support you there. As the Commercial Member for Lagos serving on the Labour Advisory Board which has had occasion to investigate the conditions existing in one industry and is now also investigating the conditions existing in another industry, I have never in my life seen such appalling exploitation as by African employers of African employees. The conditions of employment, in these same industries, imposed by non-Africans are far more generous and superior to those of the Africans, but that does not mean there may not be room for improvement all the way round. I am looking forward to the day when the labour of this country will be earning much more than at present, when the labour of this country will have more money to spend on better housing, food and clothing ; when it will be given a comfortable life. But, before that happens, labour has got to put out better work. I am not accusing labour of being deliberately lazy, but I do point out it has not appreciated its duty to the community and probably because it is uneducated. In support of this statement, as a matter of interest and enlightenment, I went to the trouble of taking my own labour bill in connection with the clearance of Customs. I took 1940 and compared it with the year 1944, and the items were :---

Tonnage, hours, personnel, money paid for normal hours, overtime hours worked and tonnage handled in that overtime period and the money paid in overtime period.

It may interest the house to know that for all classes of labour employed we paid per man 50 per cent more in wages in 1944 than we did in 1940, and the actual output per man was over 50 per cent less in tonnage handled. Until labour re-adjusts its ideas as to how it will work, I feel it will not get the sympathy it expects. I do not know if Government Departments employing labour enjoy the same experience.

Now, Sir, on page five of your speech there is a sentence :--

" I am aware that it is not the function of this Council to interfere with the executive personnel."

I take it that means it is not the policy of this House to criticise appointments, even if we object to them. Sir, I still think it the function of this Council, or I feel that it is the right of this Council, to criticise the manner in which appointments are made if it feels that there is something to criticise. I say that, Sir, because at the latter part of my speech I may have to refer to it.

Now, Sir, turning to page six of your Address, you referred to the Advisory Committee on Economic Development and Social Welfare having been abolished and a new one being set up which consists of a few official members. I have no objection to that and hope it will be able to get a move on in the right direction, because the old Development Board was merely and mainly a debating society. We were surrounded by Heads of Departments and when a proposition was put forward, we would find two Heads of Departments would charge each other, with their heads down, each striving for the glory of his department. Therefore, a small Committee, in my opinion, is extremely sound, provided it will always avail itself of the best knowledge of other people and expert advice from other sources; if it does not overlook these little points it should achieve success. I urge this as Provincial Development Committees are mostly very parochial; they see their own surroundings only and would probably find it very difficult to adapt their own ideas to Nigeria as a whole. That is found in many places. We find that the local man imagines the whole of Nigeria must come to a standstill if something which he plans does not happen. In view of the fact that Provincial Development Committees are ideal but parochial, I hope the Central Development Board will not fail to avail itself of advice from sources which know Nigeria as a whole and can advise upon Nigeria as a whole.

I should like to make a note concerning the Audit Department. This seems to be a very little financial department which does an enormous amount of work and where work has obviously increased during the war, yet somehow or another, that department appears to keep its estimates of expenditure down to $\pounds 27,360$ in respect of personal emoluments and $\pounds 3,390$ on account of Other Charges. I should like to congratulate the department upon the Mar. 9, 1945] Council Debates

manner in which it manages to carry on without constantly increasing its personnel.

On pages 16 and 17 of your Address there is a reference to Commerce. On behalf of Commerce, so far as Lagos is concerned, I should like to express my appreciation of the manner in which the responsible Customs officials have dealt with and handled the problems with which they are faced. They show any amount of goodwill, they show an understanding of the difficulties experienced by the trading houses, and they are definitely ever ready to help so far as they can. We appreciate the manner in which the Customs Department operate and co-operate with us. There is a little remark on page 17 that the Customs Department hopes to bring into force certain regulations in connection with the new Customs Ordinance. In regard to that, Sir, I should like you to always get interested parties round to criticise new regulations before they are made operative. That, Sir, is my idea of a Government Department at work at its best. It should invite the opinion of everyone who is interested, regardless of colour, race or anything else. It should lay open for criticism all regulations intended to be introduced, and it would do so wisely because it cannot know of all the difficulties with which traders and the public are faced in carrying out regulations and adhering to the terms of an Ordinance. I should like to see more of this consultation. I think the Customs Department has to be congratulated for its lead in this respect.

On page 20 of your Address you have made reference to the export of Nigerian birdseye chillies which is now growing, and I should like to give a word of warning in connection with this particular industry. The birdseye chillies which were prepared and exported last year were of excellent quality, but, the birdseye chillies which have been produced and exported this year are not of the quality of those exported last year. I have pointed out this to the Director of Supplies, and also to the Director of Agriculture. I am mentioning this as part of my criticism of the Agricultural Department. Where a standard of quality is demanded in the world's market, if this country wants to stay in this world's market, that high standard of quality must be maintained at all costs. More attention must be applied to maintaining quality, if we hope to maintain our place in the export market.

I must add a word of congratulation to a very much criticised department a department in which, a large number of the officials are not experienced but are trying to find their way round, and that, Sir, is the Director of Supplies' department. I appreciate they have a lot of difficulties and these difficulties are due to a lack, on the one hand, of experience, and on the other side, to Secretariat routine. Despite these difficulties, they have co-operated, so far as we are concerned in Lagos, and generally speaking they have co-operated very well. I say generally speaking, because one cannot cite particular individuals and I do not propose to do so. The persons employed in this department are usually extremely tactful and courteous and prepared to accept advice or correction, when necessary, without feeling hurt over it. I take it this is a department which will disappear in due course and come under the heading of "Commerce and Industries": in connection with this I have to say something later.

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In connection with Education, and the reference to it is at page 33 of your Address. There is a grievous shortage of competent teachers at all levels. Lack of efficient teachers has been the Department's greatest weakness for many years, and educational expansion generally depends on removing this weakness. The thing which strikes me is, if that remark had been applied to the current year I would have said, I understand. But the words "for many years." My contention is that the Education Department has had time during those many years to find teachers at all levels and to prepare teachers at all levels. Please do not take this as a criticism directed against the present Director of Education, I do not even expect him to answer me on the subject. I level this criticism at the Education Department's policy as a whole. Over the many years that I have been in Nigeria it has footled about from one policy to another. It has changed its mind repeatedly, it has started one kind of education after another : it hasn't known what it has wanted.

It may interest the Director of Education to know again, what I told him last year, that from a commercial point of view the best products of the schools come from Middle IV and not Middle VI. I have at the moment at least five young men who are training for European jobs, and with the exception of one they are all from Middle IV. For some inexplicable reason up to that stage they seem to retain a natural intelligence and a natural ambition, but after that they lose that intelligence and ambition, and I can only assume that it is crammed out of them in order to pass examinations without any serious attempt of maintaining revision. We set an examination paper to people who come along. In my opinion we set them a suitable paper, but it is surprising how your Middle VI boys flop whereas your Middle IV boys turn up with 80 per cent and 90 per cent marks. I have no doubt that the Director of Education knows what is wrong and he probably agrees with me that the fault of the educational system so far has been cramming for diplomas, certificates, and examinations, and mainly because employment in Government Service has necessitated this.

On page 34 of your Address, Sir, you refer to the implications of Colonial No. 186—Mass Education in African Society. I do feel that Government could have done the Legislative Council a good turn if they had got sufficient copies and circulated them to the Unofficial and Official Members of this Council. I think that the members of this Council very often require as much education in facts as the people outside do in certain circumstances.

I am a believer in the necessity for mass education in as much as it refers to mass literacy. I should loathe to see the Education Department try to push everybody in this country through to the Senior Cambridge level. Otherwise we should have no-one left to work for a few years. We should all rush around looking for work in offices. But mass literacy, yes, and I agree with a remark made by the Honourable Ernest Ikoli on the subject: that the great discrepancy in this country between class is whether you can read or whether you can't; whether you can write or whether you can't, and the man who can read and write regards himself so vastly superior that generally he is not interested in the unimportant individual who can't read and write. He can stay in the mud.

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On page 54 of your Address, Sir, there is a reference to the Victoria Beach erosion. I should like the head of the Department responsible to let me know if there is any definite result from any definite experiment in connection with this question. So far as I can see, if things go on as they are doing Victoria Beach will come up to the hospital on Five Cowrie Creek.

There is a very welcome note on page 62 which deals with the Labour Department. If the necessary staff can be obtained it is intended to introduce a system of trade testing in connection with the Lagos Employment Exchange. At present when a man is registered as a tradesman there is no information as to his degree of skill in relation to his trade or profession. I suggest that there is no means of ascertaining whether he is even a member of the trade or profession to which he claims to belong. I don't know if the Labour Exchange and Employment Exchange calls for references and credentials of past services from these people when they register, but I am not exaggerating at all when I say that people have been sent to me as cooks and they can hardly cook water, and clerks who can hardly sign their names. I hope that the necessary staff will be available and that the necessary buildings, if buildings are required, will be made available so that when an employer applies to the Lagos Employment Exchange for an employee he knows that he is getting a man of a certain standard. I appreciate this would not be necessary at home because the Trades Unions are built on a different basis. At home your Trades Unions, particularly the Trades Unions in industries, take care of the individual from apprenticeship and they know his history from beginning to end, and if a man is a member of a Trade Union then he has at least some qualifications for belonging to the Union. He has some trade qualifications. At the moment things are different in this country.

Public Relations Office—page 69 of your Address, Sir. A certain amount of criticism has been levelled at this particular Department, and it has been asked whether there is any need for this Department after the war. Well, Sir, I feel that if the Public Relations Office is intelligently handled by intelligent people that the necessity for the Public Relations Office continues to exist. Propaganda is as necessary in peace-time as in war-time, but propaganda of an entirely different nature. In peace-time the Public Relations Office should endeavour to retain an honest relationship between the public and the Government. It should be an organization which is capable of interpreting to Government exactly what the public thinks and feels, and should be able to interpret that outside of any reports, intelligence reports, which may come in from District Officers and so on concerning activities in certain localities. Alternatively that Department should be in a position to interpret Government policy and Government intentions to the people.

Then again, last but not least, a Public Relations Office properly developed with agents in the right places should be able to sell Nigeria to the world. One of the drawbacks of West Africa in the past has been that the world has not known of its existence. "Oh yes, West Africa, White Man's Grave, where you go and die." I did not know where it was when I was told I was coming to Nigeria. That is where your Public Relations Office can serve a useful purpose (call it Publicity Department if you like) in foreign countries and in other parts of the Empire. You find, if you walk through the streets of London that every Government in the world almost has its offices and its publicity bureau invariably either in the city or in the West End, and anyone who wants to know anything about say Scandinavia, Sweden or Norway, can get the information. If one is interested in a particular trade in South Africa one merely needs to call on the Trade Commissioner in South Africa House. If he hasn't got the information he can very soon get it for you. And so with Nigeria. There are people at home who don't know what palm kernels are, they don't know what palm oil is. They have only heard of them. A few who have been in and around London may have seen some Empire Exhibitions.

The Public Relations Office can also form a vehicle of educational development by the proper application of a broadcasting system. Some three years ago or so I took the liberty of addressing a communication to the Chief Secretary suggesting that Government should consider the question of an all-Nigeria broadcasting system, even if it cost $\pounds 3,000,000$, and even if we had to get all the equipment on Lend/Lease from America. We could always make up grounds of urgency for the equipment required. There are enough of us here to find reasons between us.

Those are the sort of functions with which the Public Relations Office can employ itself. There were criticisms levelled at the fact that there are going to be cinematograph operators and cameramen and a few other things like that. That is just the type of thing we want. We want the history, the current history, the development of Nigeria recorded and having recorded it we want it disseminated throughout the Empire. If Films are going on to become part of the Colonial Office information service, then all this serves a most useful purpose, and provided the money asked for is reasonable and is on developmental work with not too many secretaries, then it will certainly have my support.

I should like to make a very brief reference to the Labour Department. I don't think it is anything very serious, so my friend the Honourable Ted Miller needn't start perspiring. I hope, Sir, that whilst the various Ordinances which are being submitted, and whilst the various new ideas, regulations, and so on which are coming into being may be perfectly necessary, that the Commissioner for Labour will appreciate that the outside world, and by the outside world I mean the non-Government world, suffers from the same disease as Government does-shortage of staff. I do hope he will not start off by inflicting upon us a spate of returns, papers, and statistics. If he would bear that in mind and just go gently, then we shall like him all the more. If we become inundated with requests for paper, and if we reach a stage where we have to maintain a staff doing nothing else but churning out paper for the Labour Department, then it will mean that we shall lose interest in being employers and shall contract out as much of our work as possible to contractors and others, and leave them to render the returns and leave the Labour Department to educate them. From what I have heard of the Trade Union accounts, and from what I have seen of the returns which have come to the Labour Advisory Committee when investigating the various trades of Lagos, I am afraid that the Commissioner of Labour and his staff will have a full-time job educating the various contractors as to the requirements.

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There was one remark made by the Commissioner of Labour since this House has been in session which has rather interested me, and that refers to Trade Union accounts. Now I personally feel that he has been extremely good, he has been extremely patient. I am perfectly certain that the Commissioner of Income Tax would not have been as patient with us in his demand for our annual accounts as the Commissioner of Labour has been in his demand for accurate accounting by the Trades Unions. I do hope, Sir, that he will implement his promise that unless things definitely right themselves during the next six months he will take steps to see that they are righted, and he will see to it that the Trade Union which cannot keep its accounts ceases to visit as a Trade Union.

There is one other comment in connection with Trades Unions I should like to make for the benefit of the Honourable the Commissioner of Labour, and that is, I consider he should accelerate the progress of cleaning up of Trade Unions. There is nothing at all wrong with Trade Unions when union embodies members of a trade, but there is everything wrong with the numerous cockeyed little Unions which exist in this country today and which have no relationship to any particular trade whatever. I am referring, for example, to such things as the Holts Trade Union, the U.A.C. Trade Union. Now what particular purpose such Union can serve its members I don't know. It places an employer in the very awkward position of having to accept Trades Unions, being willing to negotiate with Trade Unions, but having no Trade Union to negotiate with because he merely negotiates with a combination of his own employees. From my own personal experience of such Trades Unions, once in every two years, in order to placate the lower orders, they make some request for the betterment of labourers' conditions when in general their request appears to refer to what they already have. Members of Trades Unions like that should go and join their craft unions, either a carpenters' union, a general workers' union, or a clerks' union, etc. They should go and join the ranks of their colleagues in the their particular trade : they should take advantage of the opportunity of collective bargaining if it is required in that manner.

There is a little Department I should very much like to refer to, that is the Administrator-General's Department. I feel that the Administrator-General is to be congratulated upon the very radical reforms which have been introduced in that particular Department. For quite a number of years I was the one who agitated for the appointment of an Administrator-General as a permanent official, because up to then the Department had been the victim of lack of continuity. What had happened was that an officer would be put in charge for three months, he would suddenly disappear and be made Magistrate. Somebody else would be in charge for three months, and he would probably be made the Senior Magistrate ; and so it went on until no particular one individual was really interested in the work of the Department, and perfectly frankly, Sir, so far as the public was concerned the Department was just a stinking kettle of fish. It smelt, everything in the Department smelt until the public was afraid to go near it.

Today that particular Department has the respect of the public and the confidence of the public. Above all it has the confidence of the public because the Head of the Department is accessible to anybody. That appears to be one of the principles of the Department. Prior to the existence of a permanent Administrator-General one had to go through clerks; No. 1 clerk, No. 2 clerk, the Chief Clerk, and it was this all the time before one got to see the Administrator-General, and he, not being a permanent officer was not very interested and just left things to his staff.

I should like to give a word of praise to that Department. I have made careful enquiries amongst members of the public, and I find the Department has acquired a reputation for itself which I hope it will live up to.

One or two things have been said about the Post Office. What I wish to say about the Post Office is that I do wish they would commence an efficient school of telegraphists and telephone operators, as well as teaching their counter hands two things : 1. civility ; and 2. that the public comes first, and that their private conversations should be dealt with after the public has been dealt with. The telegraphic service, instead of improving, has become worse, and I can assure you that were it not for the fact that we never believe a telegram where it contains figures and that so far as possible use words or invariably telegraph back for confirmation, my own company would have lost thousands of pounds in the course of a year through mutilations and mistakes in telegrams.

So far as the telephone service is concerned, I am perfectly convinced that there is a little vendetta between the operators in the Post Office and the operators outside. The operators in the Post Office must know the latter, and if they do not like each other, one can just sit and wait for the exchange to answer. That is due to lack of efficient supervision.

As for the service which the public gets over the counter at the Post Office, I am afraid if some of the public got that type of service from a commercial house it would have to close down.

The Secretariat is not mentioned in your Address, Sir, but I am taking the liberty of referring to it. We were asked at a recent Finance Committee to vote a sum of money for the construction of an annexe to the Secretariat which I believe is going to cost £30,000. We were asked to give a vote for the current year. In the first place that was refused by the Finance Committee because it was not understood. It was not understood because we strongly objected to carbuncles and things like that growing on to the Secretariat as it stands. When the position was afterwards explained to us by the Honourable Mr Colby we appreciated the point. We were told then that it was the intention of Government to build a new Secretariat, or at least Government had it in mind. If you come to this Council and you ask for a grant to build a new Secretariat I should say go ahead. I have never seen such a rabbit warren in my life as those offices downstairs, and the best thing you can do is to give them to the Commissioner of the Colony and to the Income Tax people, whose offices are worse than anything the beggars of Lagos sleep in.

I should like to say half a dozen words about the Pullen Marketing Scheme. It has had praise; it has had criticism. The criticism seems to be all on account of gari or porridge. I myself have from the outset taken a great

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deal of interest in this venture. I visited the markets, I heard what was going on, I gave what advice I could. The markets bear the name of Captain Pullen and I for one would like to congratulate him upon the really hard work which he has put in. He is one of the very few senior officers, if I may use that expression, that I have seen take his coat off to do a job of work, really get down to it and sweat, and I should like those few words of appreciation from myself placed on record.

I am taking the liberty Sir of referring to the minutes of the standing Finance Committee held on the 23rd of February and explaining in public an action of mine. Presented to that committee was a supplemental provision for a general vote for 1943-44, asking, if I remember rightly, for the sum of £299,000, something like that, of which I believe £150,000 it is quite true is covered by savings. But, Sir, I objected to that coming up twelve months after the 1943-44 Budget, and I am pleased to see it is recorded in the minutes that I dissented when those estimates were voted or when that money was vested. They were no longer Estimates, because the money was spent. My objection was, and is, to Heads of Departments spending money they haven't got and spending money not voted. In this respect I am not referring to refunds, because refunds in my opinion are not expenditure. They are merely a reduction of revenue. I am referring to items of expenditure which are really expenditure. I am not levelling criticism at the Financial Secretary, because I know he feels that these constant requests for belated authority are becoming a nuisance. I know, Sir, that there are cases where urgency is genuine. For example if a tornado carried off the roof of the Secretariat it is no use asking Finance Committee to vote the money because there is nothing left in the Public Works Extraordinary. Under those circumstances we want the roof put on and explain afterwards. But there are a number of Heads where provision could be made beforehand, where expenditure could have been foreseen. Take as an example an allowance for travelling. A Head of a Department has £12,000 estimated for travelling expenses in the course of the year. That averages out at $f_{1,000}$ per month. Well, surely, if he finds at the end of six months he has spent $f_{2,000}$ he must realise that on his average the other £3,000 wont carry him over the other six months and he should come to Finance Committee before he runs out of money, ask for extra money and give his explanation. I refer to this because I strongly object to money being spent and Finance Committee being told "Well, gentlemen, if you don't agree to it you are creating a political situation and the Governor will have to use the mailed fist." I object to that. Finance Committee is not unreasonable, but Finance Committee expects Heads of Departments to watch their expenditure, to estimate intelligently, and, if they have not an organisation which covers the whole of the country, to create such an organisation so that they will know month by month what is being spent in various parts of the country under different votes.

In the Estimates, Sir, under Head 10, comes "Commerce and Industries." Now I have no objection to Commerce and Industries, because I raised this same question at the Legislative Council in March 1944, and, if I may just read from page 134 of the Legislative Council debates, I said then—"..... that the Government will consider the advisability of creating a Department

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of Commerce, not merely a Supply Board, but a Department of Commerce which will rank equally with the Administrative and Finance Department so as to ensure that all possible steps are taken to develop the resources of the country in co-operation with commerical interests, along sound and practical lines, in both agriculture and secondary industries." Well, Sir, the words, in case of misconception, the words "Commercial interests" mean anybody interested in commerce. I may be wrong, but it appears to me that there seems to be some doubt in the minds of Government as to exactly what it wants. Either there seems to be doubt in the mind of Government as to what it wants or it is faced with the problem that it might have to pay somebody more than the Chief Secretary's salary or more than the Development Secretary's salary to get the right individual. You ask for a token vote for a Director at £1,600 to organise a Department of Commerce and Industry, which in my opinion should be the Nigerian Board of Tradethat is what I have in mind for a Department of Commerce and Industry. It is true you say it is a token vote; that I will grant, but I am convinced in my own mind there is something very funny about this particular vote and a certain amount of uncertainty in the minds of people who stuck it in here. I personally hope, Sir, that when Government does make up its mind what it wants that this Department is not going to be subservient to any Administrative Department. Commerce and Industries are Commerce and Industries and have nothing to do with the stack of files that circulate round the Secretariat. If you are going to appoint someone to take charge of organising and controlling this Department then it is my contention that he should have direct access to you and no one else. The type of man you intend to appoint I don't know. I have my own ideas as to who he should be. I also have a fairly strong idea you wont find him in this country, and I also feel that you will have to pay him considerably more than £1,600. Perhaps the Development Secretary, who I believe is responsible for this, might be able to tell me, in answering the unofficial members, whether it is intended that overlapping should continue, because I notice that the Agricultural Department continues to maintain a Chief Marketing Officer and other marketing officers. How the particular officers are intended to develop the markets, not necessarily industries, but the markets of some of our local industries. I take it that overlapping of that description will be scrapped and when this Department comes into existence marketing will be one of the functions of the Department of Commerce and Industry, and all these pettifogging little departments will go by the board.

In the Estimates, Sir, there is the heading of "Fisheries," and in this respect I take the opportunity of referring to the memorandum upon the Estimates which states that "skeleton provision only has been made....." Well, Sir, I take the opportunity of suggesting that until the five-year Development plan is on the table and until it is known exactly what is involved in this five-year development plan, what benefits Nigeria is going to derive from it, that the individual who is carrying out the experiments with fish, might well have remained where he was and as he was until he had produced something which would convince this House of the fact that a separate department was necessary, with a separate directorate and a separate staff. I have nothing whatever, Sir, against the development of a Fisheries industry, I

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should like to see trawlers coming in and out of Lagos, I should like to see and smell fish on the Marina instead of some of the other smells ; but I do honestly feel this House should have had plans before we are asked to create a separate head, a separate department, a separate staff, a separate salary. I may say I have taken the opportunity of going down to Onikan to see what is being done, and as a Research station it is undoubtedly very interesting to other scientists or a professor, but I doubt very much whether it would interest practical fishermen. I have seen evidence of the fact that various types of foodstuff are being tried out in various little locks, some fish are being fed on one kind of chemical, others on vegetation, others on some other product, and there is no doubt they are of statistical value showing definitely that on certain foods fish get along more quickly than others, fish become bigger more quickly. But what troubles me is this. Having decided that a certain type of foodstuff turns a half-pound fish into a 10 lb fish, are we going to charter ships to dump this into the sea to feed the fish ? There is a lot to be said for research and science, and professors must live, but I would prefer to see a practical programme on the table.

Survey Department Sir. It does seem to me from the criticisms levelled at the Survey Department that there is something wrong. It may be that the present head of the Survey Department is the victim of inheritance. Maybe he has inherited these evils, and if he has I hope that when it comes to his turn to reply he will speak frankly, bluntly and honestly and will not mince his words, even if he offends. Above all I hope he will speak so clearly that I can hear him so that I shall know whether or not to support a request for an investigation into the affairs of the Survey Department. If there is something wrong Sir, I shall certainly support my colleagues on this side; if there is nothing wrong then I may remain neutral.

Now, Sir, Judicial, and this is where I am afraid you may stop me, because on page 5 of your speech you state "I am aware that it is not the function of this Council to interfere with the executive personnel." Well, Sir, while Judicial are not executive personnel, they are appointed just the same. There is something wrong, Sir, in the Judicial Department of Lagos. I have been privileged to witness adjournments of cases week after week, month after month-I am not saving this because I happen to be the victim of a case that has now been adjourned for two months-I am saying this after very careful enquiries and after ascertaining that there is something wrong for this to happen. Either the magistrates are inefficient or they are overworked, but it is a fact, Sir, there is a terrific list of cases which go on being adjourned and adjourned. In some instances, the adjournment is justified, but there are cases where the Magistrate says : " I cannot hear the case to-day because I am busy with something else." The case is adjourned for some weeks and when again called, the Magistrate is again unable to hear the case because of something else.

Then, Sir, in regard to the appointment of the Judicial Staff, I should like to make this point, that administrative judicial appointees are not generally desirable, that Judges and Magistrates should be drawn from members of the Bar who have lived their lives as Lawyers and know the tricks of the profession from the inside, and have the practice of the court at their finger tips, who know from experience many matters which are obviously double—dutch to the administrative-judicial appointee, and who can very often from experience give their decision on the spot while the impressions are still fresh in everyone's mind.

I feel, Sir, that when it comes to appointing new Judges—the country will no doubt have new Judges—that existing Magistrates should be considered on their length of service and their general experience. When it comes to appointing Magistrates, that members of the Bar should be considered again upon length of experience, upon the work they have done.

There is one other very important factor I should like to draw attention to : that when considering appointments you should go carefully into the lives of the people who are appointed to sit in judgment upon others. Unlike ourselves, ordinary mortals, what we do does not matter much to the public at large. But, Sir, the public expects to look up to the Judicial Department, therefore, Judges and Magistrates should have a life almost as blameless as is expected from a leader of the Church. Their lives should be such that no doubt can be entertained by the public ; they should be an example to the public they are meting out justice. So long as the public feels that the wrong person is in that place, it will feel suspicious of the justice meted out. A strong Bar makes a strong Bench provided there is on the Bench a lawyer who knows his job and can discreetly raise the level of the work done. We are surrounded with young lawyers today who if properly trained, by Judges of wide experience should make good Lawyers and Advocates.

Now, Sir, I have spoken long enough, and whether this is in order or not, I do not know. I should like to move a resolution and should like to give notice.

His Excellency :

The Honourable Member is out of order in that case.

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

Your Excellency, it is just in connection with a telegram to be sent to the Secretary of State as a mark of appreciation for having granted us $\pounds 6,950,000$

His Excellency :

That will be out of order at this stage.

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

Under the circumstances, I will close. I have to thank Your Excellency, the Development Secretary, and the Financial Secretary for the programme which you have placed before us. Sir, I thank you.

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

Your Excellency, in the first place I have to thank you for my re-appointment. My reason for doing so is that when I was first appointed and I came to this House, I counted myself very incompetent to deal with such institution where so many people have been so much advanced in the various branches of service and it was, as it were, to me like taking a fish from cold water and

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putting it into hot water. Now, I was very grateful and I was pleased to see this democratic institution and everything in connection therewith and I hope to be allowed to do my bit.

I thought it should be a part of my duty to move about my people and to carry out what is their desire so that I may be able to speak for them, for my being appointed was not for my own personal benefit, but was for the general welfare of my people, and if I took it to be for my personal good, then I was not fit for the job, and I hope many others would realise it and that it is not for his personal good, but for the general welfare and progress of his country.

The next thing I have to thank Your Excellency for having spent your valuable—most valuable time—in visiting the Cameroons and I must express our thanks and appreciation for that visit to the Cameroons, and I know that all the people feel most happy that they had the chance to see their Governor and especially at this time when we are dealing with the development of the country.

The next thing I should like to announce and which I know most of you have already heard, is about the loss of our late Resident. I received the news at Enugu in the train and I felt it deeply and I am still mourning it, because I had a close contact with him and I can confess that he was very much interested in the improvement and development of the Cameroons. Everybody does his part in this world and must depart to go into another sphere to act. He did his part, and not to waste time, I say may he rest in peace.

Another thing is about transport between the Cameroons and Nigeria. We were very, very glad that His Excellency came to the Cameroons and had the chance of witnessing the difficulties that we are complaining about. One of the things is that on the "Banana" launch, or "Banana" lighter which has been converted to a launch, if we have a third class passenger paying eleven shillings for his transport between Victoria and Calabar and another man in the name of a high official paying two pounds for a first class fare and not enjoying any comfort whatever, I cannot exactly understand what that means, whether the man concerned is a European or an African, someone must be given the money because you find nothing which shows the difference between the man who pays two pounds and the other man who pays eleven shillings. I hope Government will please note this and find out from the Plantation Manager whether it is justifiable if one pays two pounds and enjoys no better accommodation than that of a third class passenger paying eleven shillings. Four pounds was paid for myself and my wife and I have not enjoyed any better comfort whatever than those who are sleeping with mats on deck. The last time when I attended this Council I mentioned about transport and even approached the Director of Marine, requesting whether there could be any means of remedying this matter. Of course, we spoke a bit and I was still hopeful that there must be something to be done. I hope he has at this time in the estimates made provision for transport between the Cameroons and Nigeria.

The next thing I wish to talk about and which I hope will not be ignored, is that we have a native saying when the people are weeping and bewailing at a funeral, each thinks of his own relatives and not for that special dead body

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he feels to weep. My reason for bringing the present subject now is because we are now under another Government-I am talking of the British Government-and we are not aware of the land tenure of this part of the country. I wish to give a brief history of our land. In the year 1840 our grand-father King Williams made a treaty with the Commander of Her Majesty's War ship and they were very good friends; he was the man who received two thousand dollars annually for the abolition of slavery. Following the few books that fell into my hands and up to the time that I applied for land, I found nothing like purchase of land between these two parties. I had not yet come into existence. Now, it went on and on until the Germans came and took over. I am not ashamed to tell you that when a West Indian in the name of one Reverend Fuller of the late Baptist Mission told us that the place was going to be handed to the Germans and the Mission was to become a German Mission, there was a great mourning in Victoria. I was present, though a child; the whole of our church was filled with wailing, weeping and so on, but by the grace of God, they were not killed as they were expecting. At the same time they were allowed to live and enjoy life up to 1914 when the war broke out and we were taken back to the British proctection. I still confess and I am glad that we are under that protection to-day.

Now, the question of land. The German Government used their force without any consultation which I think they themselves would admit. They simply took over the best part of the land, exploited it of its fertile soil and sold them away to the plantation, and left small parcels there for us to get our cocoyams and other plants. We could not do otherwise ; we are having various Governments in the world ; the Spanish with their own policies, and the French and the British have theirs. Then, once you are placed under that Government you have to obey. After these lands have been sold and the villages closed in reserves we cannot do anything to extend these reserves, but to use and claim them as the only inheritance that is left for us in this world by God. We do not want this inheritance to be taken away from us; we have a short time to live here and after that we go home, and if these small reserves are tampered with and not allowed to be used as our own land, then we are lost by that, while having no other hopes of existence but that we are floating in the air. Furthermore, within the short time of the British Government, they were so generous in obtaining land from these plantations to increase these reserves. I was the party who was pleading very strongly for my people to be provided with small pieces of land for the increase of these reserves. Though it was done the soil at the foot of the Mountain is not fertile enough and produces very little, the land on the Coast being very much exhausted. We have the Kumba Division which is a very good land, but I cannot tell whether they are having complaints about land and from there up to Bamenda the whole of the land is still in their hands. What I should request Government to do is that the condition of the lands in the Cameroons should be specially considered and that they should arrange it in a way so that we may feel safe and enjoy the rights of our lands.

In Victoria where I come from, we rely on the land more than anything else, and sometime ago when I found that the sixty years stated in one of my Certificates of Occupancy of a building site granted me would not cover the whole of my life and my family's, and so on, I asked the Resident to extend it.

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Instead of assisting me, he said that the Government was not prepared to alienate the land. I do not understand the term; I am the owner of the land as a native by birth and the rightful man who should live on that land. I am not an alien and the land cannot be alienated to me. Being the owner of that land I have the right to deal with it as I like. Up to now I have not been able to come in contact with the Resident who recommended that and stated it in reply to me. I have not the fear to talk to him just because I am at a loss to understand the expression. I should not like to be an alien and am still submitting to Government respectfully and most submissively that this land question of the Cameroons, and especially the Victoria Division, where most parts of the land have been seized from the people should be considered —knowing that the little bit that is left for us has not been given to us, Sir, but is still under a kind of control which we do not know, we say whether it will be encouraging to us to do what a man may feel to do for the improvement of his country.

Now, as I refer to this matter, I myself am spending a little of my earning to have a little decent house and that same building should be a specimen to my people that they must see that better housing gives them better health. Now in time to come after the expiration of that term, when I shall have passed away, and the house is taken either for less or more of its value, I cannot tell what will become of my successors. The next man says : "Why should I bother ? I am simply going to build a house which will be taken away from me in time to come."

It is a great fear to us, a very important matter which is a danger to us. I hope we are all working hard to get the co-operation of the people together with the advices of our rulers so that we will become useful people to them and serviceable members of that same Empire. It does not matter if we are few, we may as well contribute our bit to our Government towards the progress of our country just in the same way as you have men in other places who are doing their much towards the aim of that Government and to the progress of their country. We are now dealing with divers things and these I only thought to be spoken about Nigeria here, but they include the Cameroons as well and in that respect I think our affairs must be considered, and I hope that when you will sit down to discuss matters in connection with land, you will take our poor condition of land in the Cameroons into consideration.

Another thing I should like to proceed to is Rest Houses. Of course, I do not know whether this has already been mentioned. Whether mentioned or not, it will be a good thing if Government will provide a few Rest Houses for visitors, especially for officials coming to Lagos. Lagos is a very big place and people are rushing to come there from time to time. You may have a friend who has been very much interested in you to put you up, but the next time his place is occupied and because of this you cannot get accommodation. I think it will be a good thing if Government can provide places for their visitors to stay each time they come to Lagos.

Political and Constitutional Paper.—I am very much glad to find that His Excellency has provided this Political and Constitutional Future Paper— Sessional Paper No. 4 of 1945—for Nigeria. Most of the people are

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prejudiced. They believe that when one man is nominated to go to Legislative Council he is a man of very high position and enjoys the best of times and would not be thinking of his people, and so on. They cannot tell whether we are asking for things for their benefit, they think we might be fooling them, and if we are conscientiously doing the job, they are ignorant of the changes that are being prepared for them. This Paper provides a chance for them. And in going through this paper I find that elections will be made and I am very glad. I hope when these elections will be made some of the most primitive people must also be elected, people who are still in their primitive ideas, who have no idea of anything like civilisation, must take part in this constitution and let them voice themselves fully so that when this constitution is working we may have the chance of combatting bad old customs which are still prevailing. I remember when I went to Bamenda I came to a certain place and the people approached me and told me the chief would not allow their head man to sit on his own chair. It did not belong to the chief, but it was the custom that each man must bring his own chair, but without the permission of that chief no man was allowed to sit on his chair. There are so many other things which used to bring some misunderstanding between the chiefs and their head men which are not justifiable in a civilised way of thinking and which are oppressive. Now I said very little about that because I was a stranger to that country and would cause no trouble by voicing my thoughts. On my way back I met a political officer and told him all about it. What he said was that it was quite right that the chief would not allow him to sit on the chair, because they were slaves before, I was very much shocked at this explanation, taking the time of the German occupation and from 1914 up to this time a European would say that because these people were slaves they must be treated as slaves. I never liked that expression because since the Emancipation took place, everybody under the British flag is a free man, and I do not think because that man is an illiterate or a bushman, he should be called a slave. We in our country have people whom we call bushmen and who cannot speak English. We first came into contact with Europeans and at the same time we can sail on the ocean. We use the words "This man is a bushman," of such who cannot swim and are not seamen, not because they were slaves. They pay a good sum in respect of tax, but are not allowed to sit even on their own chairs. When this political constitution is made, I think we shall have much work-a very hard work-to have all these people converted that all of us as Africans enjoy the same privileges the Government has prepared for all who are their subjects.

Nearly all of the things that I wish to talk about have already been spoken by the previous speakers; I am quite satisfied; they quite express those things better than I can. I cannot say that if I had the chance I could have spoken better. I cannot sufficiently speak and agree with what the first speakers have spoken, but would suggest that more representatives will be necessary and this we shall discuss with our Residents and District Officers.

As I have said, I myself, before I was appointed a chief in 1908, I was very much interested in farming and in agriculture, and when I reaped my fruits from the land I felt as if God had sent his presents from heaven, because it is the gift of nature. I was at the same time dealing with Merchants in England

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and was importing fishing nets, drag nets, etc., from England from one of the companies called William Hounsel Company in Bridport, and I enjoyed a happy life before I became chief and so on. I was not very pleased to leave my former undertakings and take up political business. Those you come to rule think that the best part of their wealth is going to you and that you are the only person whom they know now; and that one will never think of them again and so on. I did agree reluctantly as most of our people were adamant.

When Cocoa was introduced into the Cameroons in those days all of them were benefited by the Cocoa that they got from their farms. Just after the 1914 war this country was going down and many of the farms have died out. It would appear that they have not been able to keep up their farms. I hope in time to come something else will be introduced. I do not know whether Coffee and many other plants will be introduced into that part of the country, so that these farmers may be able to grow something with which they can live better as we want them to live. But at the same time if they are to live, the land must be emancipated ; if they are not given these small pieces of land how can they live ?- Everybody has his own little plot and boundary at present -you dare not step beyond the boundary of your neighbour's land because it is a reserve and everybody who is in that area is planting himself corn or other crops on that same plot continuously as there is no fresh area in which you can sow. I think in future, more lands should be provided, although there used to be District Officers who are not very much interested in the welfare of the Africans and may not recommend, but personally, I am here for them and I feel their pain, and I think you will agree with me that I am telling you the truth that the people are not having good and sufficient land-in which they can do anything for a better life in time to come.

I will now mention the Medical Department, Up to now I have to thank the Government, His Excellency the Governor and the Director of Medical Services for all they are trying to do for our country. There is a new hospital which is now in building and we are told it will be one of the modern hospitals. We are very grateful for all the efforts which are being put forth to modernise our country at present. The present situation is that whenever I visit the hospital there are people who may be suffering from belly or stomach ache and some are skeletons and they are being fed with this dry Bonga. We have some bony fish called." Bonga" (Herring) and these are the fishes supplied to the Hospital for feeding the patients. These people are human beings and not everybody can recruit his health under such condition, and the supplies of this dry Bonga which are being given to these patients for their food, I am quite sufe, do nothing good to their health. I hope more money will be estimated for better food for these poor patients. The Government is the father of all and it is its duty to provide for the welfare of the least of its people. I shall be very grateful if the Director of Medical Services will do his best in calling the attention of doctors who are responsible for their hospitals that better diet should be provided for the people.

I have already mentioned about this Political and Constitutional Reforms for Nigeria; it is not a repetition, it is something I should mention and that is, in our country nearly everybody feels to be a king, a chief, councillor or a judge and so on. You want to convince them that everybody should hold his cutlass, go to his farm and clear it. Now, we are going on with this new Constitution and I hope that care will be taken in the appointment of the people who are to work it. People are not benefited by the idea of rushing at things which may not benefit them. I like to stress one thing Government might do to improve the people. I know and do believe that the people are ready to claim the right of choice and selection; show them the right thing and not leave them to themselves because they want to sit on His Majesty's chair and become King and Governor: it is all foolishness. Let them be taught the right thing so that their children in time to come may know what their fathers were taught provided the improvements and blessings they were then enjoying from that constitution.

The last time I mentioned in my speech on the Education Department that we want more physical training. My people are very lazy and very weak. I am here to speak frankly. Physical training, technical and agricultural training must be the things to be introduced into the schools. The children must be allotted gardens, to be taught to have interest in agriculture. You can let them become lawyers at last, or let them remain at standard four. They will still have interest in agriculture and that will be a good thing for themselves and their people.

The Police have to be considered for better salaries; I agree that they should be given better salaries and I know that they are worthy of them, because sometime ago I thought it was only the French, but I was receiving information that most people are subject to bribery. After all I find that the whole force is not subject to bribery, and you cannot do otherwise than to say that the love of money is the root of all evils. I know that some are subject to disciplinary punishment but the rest avoid disciplinary punishment, because I know a lot who had been Interpreters and who have been occupying positions in the Government Service, and by bribery built houses and possessed many other things, but they have not been allowed to enjoy them. That is a sufficient answer to my statement that all monies that are received unjustly are not enjoyed as one should enjoy his honest earning. If the Police are aware of their job and responsibility that they have to carry and are given their deserved remuneration, I think it is their duty to work hard against these temptations.

One of the Honourable Members who spoke mentioned that there are some very good political officers and administrators who used to be transferred while people are still expecting them to remain in those districts and continue their good administration. It is a true thing that I myself have experienced, but at the same time there are some administrators who are not interested in the natives at all. They may make their reports to please the Residents or to please the Chief Commissioners and so on, but they themselves are not a bit interested in the welfare of the people. If one is allowed to speak the truth, had it not been for this transfer, and for such people to remain and spend their whole time among the people, there will be no good for those people. In that case the policy of the Government is quite sound.

I have not been feeling well—I know the heat has caused it and also the drinking of different water. Although I am not a doctor of medicine I am a doctor of myself and I know the change that takes place in my body; if I

tell you that I am a man of sixty-eight years. I know I can keep strong and at one time I used to tell my people that apart from violent deaths, you can live for hundred years if you obey nature's rules.

I will not detain you for a long time and I would like to subscribe my assent to'most of the things my previous speakers have said. When I return home I shall tell my people : "You must not expect that I am the only man there who is talking for you : whether I am there or not, people are talking for you."

I thank Your Excellency again for my re-appointment and I hope I shall still have the chance of learning more and more by attending this institution and I hope I shall still be serviceable to Government and my people, and perhaps when I shall be called away I will be able to satisfy myself that I did my duty. With these few remarks, I beg to resume my seat.

The Hon. the Acting Chief Secretary to the Government :

Your Excellency, before we adjourn I should like to ask permission to move suspension of Standing Orders to enable the Honourable Commercial Member for Lagos to bring his Resolution before the House.

His Excellency :

Is that agreeable, Gentlemen ? In that case the Honourable Member may move his Resolution.

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

The Resolution, Your Excellency, which I wish to place before the House, and ask for support, is-

"That this House respectfully requests His Excellency the Governor to convey its deep appreciation and thanks to the Secretary of State for the Colonies, and thus to His Majesty's Government, for the grant of $\pounds 6,946,000$ made to Nigeria as a contribution towards its Development and Social Welfare Programme."

The First Lagos Member (Alhaji the Hon. Jibril Martin) :

I beg to second.

Resolution adopted.

Council adjourned at 12.25 p.m.

Council resumed at 2.30 p.m.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys) :

Your Excellency, Honourable Members in their speeches have made statements mainly connected with development. Although I am sure that the Honourable the Development Secretary will deal with development in general I think it will be expected that Heads of Departments will explain to this House the part which their particular departments will have to play in the execution of the schemes, and what preparations the departments are making to be ready to play a full part when the time comes.

There is very little mention of the work of the Land and Survey Department in the Preliminary Statement, Sessional Paper No. 6 of 1945. I will

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just read what it says-" Survey and map production will also require special attention." The shortness of this reference to survey does not mean that the importance of Survey for development is not realised, nor does it mean that very considerable attention has not been given to the subject. For very many of the forms in which development of a country can be undertaken the possession of good maps is of great importance. Undoubtedly in many cases good maps save a great amount of work and a great amount of expenditure. I will just give one example. Very detailed maps were prepared by the Survey Department of the swamp areas which have recently been drained round Lagos Harbour and near Apapa. I am very pleased to be able to tell you, Sir, that the anti-malarial officer who designed the drainage schemes has informed me on many occasions of the usefulness of these maps to him, how simple they made the work ; and only a few days ago he informed me he had never been supplied with such good maps while doing similar schemes in any other country. Now no country can possibly maintain a Survey Department large enough to undertake the survey and mapping of the whole country as one instantaneous operation. Countries are very fortunate which have the whole country mapped at the time when development schemes on a large scale are initiated; that is very rare. In a rising country like this there are so many important ways on which the small resources of the country can be spent and which seem of vital importance to the people, that only small allotments of money can be made for what is, rightly I think, considered a long time programme, a very desirable long time programme, and that sort of expenditure must come first. When the period of accelerated development arrives, as it has now arrived in Nigeria, the best that can be hoped for is that the Survey Department will be able to arrange its programme of work from year to year so that it will fit in with schemes of development and that the work of other departments-Agriculture, Mining, Geology, Forestry and so on will not be delayed, or delayed as little as possible. In other words, the Survey Department has to become one cog in the general machine of development and not try to arrange its own programme just to suit itself. Fortunately in recent years a more rapid method of mapping has come into survey practice, and the needs of the armies in all theatres of war have caused a very rapid evolution and improvement in it. I refer to mapping from aerial photography, and this undoubtedly has a great future and will affect the mapping of Nigeria. As you are aware, there has been a great deal of consideration given to this matter, and there has already been considerable correspondence on the subject with the Colonial Office.

Several of the Honourable Members had spoken on Tuesday before there was any mention at all of the Land and Survey Department. I had almost begun to fear that it was a "forgotten department," and there might be a natural idea for that, as many of our Surveyors are at present doing service in Burma in what was formerly wrongly called "the forgotten army." It was not until the Honourable the First Lagos Member made his speech that there was any reference to the Land and Survey Department. He mentioned the department twice; the first time was when he referred to the amalgamation which took place about ten years ago between the two separate departments the Lands Department and the Survey Department. I was very gratified by his kindness when he said that the amalgamation had been successful and that

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there had never been any complaint about the working of the two departments as a single department. The Honourable First Lagos Member again referred to the department. The second time he spoke about some dissatisfaction which might exist in the department and which might be the cause of the present shortage of staff, and especially of the shortage of students for the Survey course which is referred to on page 40 of your Address. Two other Honourable Members, the Honourable Second Lagos Member and the Honourable Member for Ibo Division included reference to the same subject in their speeches. I recognise that the three Honourable Members when they made these references in their speeches were genuinely anxious about the welfare of the department which must play its part in the development of their country. I know that they are also very greatly concerned about the future welfare of the young men who devote themselves to the arduous and very important work which the department has to undertake. I would like to give them an account as rapidly as I can of the work of the department and of the training which the department gives to the young applicants who join it. I sincerely share with them their anxiety that the young men be given every possible chance to advance in their chosen profession. At the same time I think I will'be able to give some measure of assurance to those Honourable Members who in their speeches have expressed so sincerely the wish that Africans would be allowed to take their full share in the development of their own country. If I remember rightly, the Honourable Mining Member and the Honourable Member for the Ondo Province stressed that point.

The Survey Department of Nigeria was the first technical department in Nigeria to provide technical training to a full professional status for Africans. I do not know at what date Africans were first recognised as full professional surveyors in Nigeria, but it was certainly long before the start of the present century. I do know that there is in Lagos to-day one licensed surveyor who practised for many years and still takes an interest in the life of the community, who received his licence in 1898. At any rate, the Survey school which exists to-day, the first professional school in Nigeria, was started in 1908. It was started in Lagos in Broad Street. An African from the Gold Coast-his name was Mr Berens-was the first instructor. He was an Associate Member of the Institution of Civil Engineers. The school remained in Lagos till 1926 when it was at last recognised that the topography of the country round Lagos was not suitable for training surveyors in most branches of the work, that it was only suitable for training surveyors in local work. It is very flat, there are no hills or dips of which to make a map. So the school in 1926 was moved from Lagos to Ibadan, and stayed there till 1934. In 1934, owing to the great financial depression the Government of Nigeria decided to close down the Survey School, but in this House, Sir, one unofficial member, the late Archdeacon Basden, got up in the House and protested against the closing of the only school which taught a profession, and a profession in which the African had already proved that he could give very useful service. Other unofficial members supported the Archdeacon, and funds were at once provided so that the Survey School would not have to. close down. Thus the unofficial members in 1934 managed to alter an unwise decision of the Government. The school was moved to Oyo, when it was decided to amalgamate the independent Survey School with the Higher College. This amalgamation was effected in order to ensure that the Survey students obtain the best possible education at the highest seat of learning in the country and that they would be entitled to a diploma at the end of their course.

Now, so much for the training of Surveyors. As regards the training of the other technical branches of the department, such as map draughting, computing and photo-lithography, it is entirely in the department and given at the worktables of the men. Before I went on my last leave, i.e. December, 1942, I told your predecessor, Your Excellency, that I was not satisfied with the training of the surveyors at the Survey School and the training of the other technicians of the department, and I told him that, if I came back to the country, as I did, I would devote a considerable amount of time to trying to improve the training. I remember, Your Excellency, that at the first interview you gave me after you came to this country, when I told you that it was customary in Nigeria for African surveyors to tour the country and do their work far from the supervision of any European and for long periods, without any supervision, you expressed some little surprise, but very great satisfaction. I realise that any progress a man may make in his profession must ultimately depend on his own ability and character and perseverance. What I aim at is that every young man trained in the department during his training receives a foundation on which to build. I have had discussions with the Director of Education (and when I say Director of Education I mean the late Mr Morris, Mr Butler and our present Director) I have impressed on the Director and on the principals of Higher College that the course at the Survey School must be such as will enable those of the students who, in their first years after appointment into the department, show the ability and other characteristics which would make them suitable for higher appointments, to understand and take full advantage of a scholarship course for surveyors. I think it is very necessary that men who will rise to the higher appointments in their service, whatever their service is, should have the necessary preparation to fit them for such appointments. Over a year ago, before the 1944 class at Oyo started, I issued instructions to the Survey School instructor that the syllabus at Oyo must be expanded to include sufficient lectures in the higher branches of surveying as would enable the students to have a preliminary training in that field of survey which is almost specialised on in the courses at the British Universities. At the same time I arranged that courses of lectures should be given to the other technicians in the department. I decided that to pick up the work as they went along was not sufficient ; they should have full instruction. I myself got very interested in a course which I gave to the junior draughtsmen, though I admit I had to go to the C.M.S. to buy a few books to swot up. Other officers have been giving courses of lectures to the other classes of technicians.

Now that about completes my remarks about the training school, and I hope that this discussion of the training in the department, in the Higher College and the Survey School will give to all Honourable Members a background against which to view the activities of the department and the prospects of the youths who intend to make surveying and its auxiliary professions their life work.

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One Honourable Member—I think it was the Second Lagos Member—in the course of his speech read out the fourth paragraph on page 40 in your Address Sir. He did not read the short preceding paragraph, and thus I think he missed the implication of the first sentence of the paragraph which he did read. May I just read the short paragraph, and the first sentence of the paragraph that was read. First —

"It is very unlikely that the vacancies in the establishment of European surveyors can be filled with suitably trained men for several years after the war."

Now the first sentence-

"The position as regards the recruitment of African Survey students is if anything even more serious."

Now, what are the implications of that opening sentence of the paragraph? To me that sentence can have no other implication but that the impossibility of getting European recruits quickly after the war is not such a serious matter as the shortage of African students. And why is it not so serious? Surely because if Africans are obtained in sufficient numbers there will be found among them a proportion who will be suitable, after further training, on scholarship courses, to take the place of the Europeans who cannot be obtained and to take their places with full qualifications as equals with their European colleagues.

Now, Sir, I shall try and find out what are the causes of the shortage. Well, as long as the Survey School was a separate institution there was no In 1930 there were thirty-six Survey Students at the Survey shortage. School. But, Sir, in the unfortunate years 1931 and 1933 there were very serious retrenchments in the Government service, and, Sir, there was a very unfortunate decision by which men who had been specially trained in technical services were retrenched and lost to the services of the country, and unfortunately the Survey Department suffered more than any other. Well, the young men of the country saw that unfortunate retrenchment of young Surveyors, and naturally they came to the conclusion that it was an unimportant profession and an unimportant department of the Government. So we have never had big classes since. I think I can give the young men of Nigeria an assurance of the importance of the surveying profession. It is now fully realised, both by the Nigerian Government and by the Secretary of State for the Colonies, and they need not fear such an unfortunate retrenchment again.

Then the day has passed, Sir, when the Survey School was the only training college for a profession in Nigeria. While it was the only training college we got the pick of the students. But fortunately for the country I think, but unfortunately for the Survey Department, the Higher College had started operations, and there was now a great choice of professions that young men could enter—medical, law, and so on, and naturally some went to one profession, some to another. The Survey Department could only expect a fraction of those available. Further there was undoubtedly a feeling among the young men of the country that there were other professions which were preferable to those which entailed long journeys and arduous living in the bush. I think the Honourable Member for the Rivers Division spoke about the reluctance of young men to undertake technical work. Technical work in the bush is hard. Now, as well as a shortage of Survey students, there is also at present a shortage of Surveyors in the department, and the first reason for that is an honourable one. More than half of the European surveyors went to the war, and a large contingent of the African surveyors also went to the war. A lot of the European surveyors joined the Army while they were on leave at the outbreak of war and went here, there and everywhere. The African surveyors went with some of their own officers trained in Nigeria to the East African campaign, and we all know how well they did there. Then the West African forces came back from the East African campaign, and I thought to myself that I would now get some of my Surveyors back. I approached the Military Authorities, but no, they were too valuable to the Army and that is a thing of which we should be really proud. Then there has been the normal wastage which has not been made up. Again, several Surveyors decided to resign from the Department and take up private practice. I believe that the same thing sometimes happens in the Medical Department—Doctors sometimes resign to take up private practice, and there is a very great need for licensed surveyors in private practice throughout the country.

Now, Sir, I think Honourable Members should rest assured that all will yet be well. I tell them that we, the Director of Education, the Principal of the Higher College and I, have had several discussions on this shortage and we fully realise the seriousness of it, so we got together in the Director's Office and decided what special steps should be taken. We decided to advertise for candidates in several papers. Last Monday week I sent that advertisement over the signatures of the Principal, Higher College and myself, to several of the Lagos papers and a good many of the papers in the Eastern Provinces. I must say that I was surprised how quickly the papers published the advertisement. It almost seemed as if they had got it ready. What surprised me even a little more was the speed of the response. The papers had published the advertisement barely two hours before the first application arrived at the office of the Principal, Higher College. The applicant appeared to be a suitable candidate and had got the necessary school qualifications. He went to the Higher College and the Principal interviewed him. I sent him for the usual medical examination and we hope that he will be successful.

Yesterday morning, I was rung up by the Principal, Higher College, to tell me that he had received applications from twelve Africans from Lagos and surrounding districts and that they had suitable qualifications for the Survey course if passed as medically fit. Before we finish making up our lists, we must wait for applications from the Eastern Provinces, and I hope some will apply, for I must say, Sir, that I like my department to be a representative department of Nigeria. The headquarters is in Lagos, with a few branches in the country. I think it is a splendid thing to have in the department people who are representatives of the different sections of the country. I asked a young man a short time ago—he was a young African, a young Ibo—and I said to him : "How is it that I have heard of dissensions and old jealousies among the various tribes, and yet I find you all comrades here?" He said : "I believe that it is impossible for these old disagreements to exist when we work together and play together in our recreations." I say, Council Debates

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Sir, that it is a very good thing that a department should be made up of people from all tribes and we are getting good results from it in the department.

Well, Sir, I think I can assure Honourable Members that there will be sufficient students in the Survey School to be trained, so that the department will not let Nigeria down when its work is needed.

In connection with Development I can assure Honourable Members that it is a general policy in the department that every young African who joins the department shall get the training which will enable him, if he has the ability, perseverance and character, to make himself fit by means of a Government Scholarship, for higher appointments. I will have no hesitation whatever, in staking a large claim with the Director of Education that a bigger quota should be granted of scholarships in a very few years.

I am very happy to tell Honourable Members that under the scholarship scheme a young man of my department will be sent from Nigeria to England, I hope very soon, and I hope his departure from Nigeria will coincide with my own departure on leave in order that I can make the best arrangements possible for him; everything is being arranged, so that he will get the best possible course.

I will have no hesitation, Sir, in suggesting, that European posts should not be hurriedly filled if there are suitable Africans who are nearly ready for them I have already made one similar recommendation months ago to Government that a European post in my department should remain vacant until I am ready to fill it by the promotion of an African.

That, Sir, is a short resume of the situation in the Survey Department.

Now, Sir, I should like to tell the Honourable Members what kind of work I can offer young surveyors; I think I should know very well what it is, because it is thirty-six years since I started and not very long since I left bush work myself. Well, Sir, our great Prime Minister, in 1940, promised the British people toil and sweat and blood, but I am not going to make such a dismal promise to surveyors. There is no profession in which there is so much hard work; it is a noble profession, and they must be willing to undertake hard work and put up with plenty of mosquitoes, unless the Medical Department could get rid of them. I can promise them such opportunities as hardly any other profession gives them to get to know their country from end to end. I know the Honourable Member for the Ondo Division rather objects to officers being removed from Sokoto to Calabar, but that is a very good thing in the surveying field. The young men get to know all parts of the country; they will have pride in the fact that they, Nigerians, are worthy of the name and are ready to do hard service, if it is necessary for the development of Nigeria.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

Your Excellency, I think it is very gratifying that the Development Programme has received such an excellent response from the members on the other side of the House. I have no doubt that as time goes on there will be criticisms and this will be all in the right direction. Constructive criticisms and suggestions will always be welcomed. Members will see that in several places mention is made of Africanisation of the Service. In the case of Medical, Agricultural and Veterinary services plan we must have a considerable—very considerable—increase in the training of the staff of the kind required in the country; but it will take time. It is an inherent part of this plan to produce more men both in the lower and higher level of training. Technical or vocational training scheme which is referred to in this booklet, and which has already received assistance from the Secretary of State, will cover a number of technical subjects.

Several Honourable Members referred to Fisheries. First of all, I would like to say that it is proposed in the Select Committee to remove the provision for Fisheries from the separate Head of the Estimates and make it as part of a new Head which is complementary to the Colonial Development and Welfare Act, Head 46 " Development " and which will be financed from local funds ; details of that Head this year should be in the hands of Honourable Members of the Select Committee, and if not, they will receive them almost at once. The intention, Sir, is to provide for the section or branch which has been removed at the request of the Director of Agriculture from the Agricultural Department and which is temporarily attached to the Development Branch; later it will become part of the Department of Commerce and Industries. In regard to the argument put forward by one Honourable Member that it should be under the Agricultural Department as the British Department of Agriculture and Fisheries, I do not think there is much in it, I can assure Honourable Members that the Fisheries Section in England is absolutely clear-cut and separate.

The Fisheries proposals provide for the training of Africans and I would like to refer further remarks on the subject to the Finance Committee in order to give Honourable Members an opportunity for full discussions on the subject. I think it was the Honourable the Member for the Rivers Division who suggested that we should approach the subject on the same lines as was done in the Gambia. The conditions here are different from those obtaining in the Gambia which is a place for production of marine fish; that is not the same in Nigeria, and the general view is that the improvement of fishes within the creeks and pools is the most urgent.

On the subject of Commerce and Industries, I can assure the Honourable the Mining Member that it is not proposed to make a member of the administrative service the head of that department, and the Secretary of State is at the moment looking for a man for development of that work. Acually, on the assurance of the Finance Committee in December last that while they did not agree to the Department then, they would be prepared to support it, a search is being made through the Secretary of State for a suitable officer.

On the subject of Industrialisation, I would refer the Honourable the Member for the Ondo Division to paragraphs 17 and 21 of this Sessional Paper where it has been made quite clear that there is every desire to encourage industrialisation on the right lines. As the Honourable the Commercial Member for Lagos has said, it is not intended that Nigeria should have factories with chimneys belching out smoke throughout the country. I can see great possibilities of improvement in the present industries and keeping the people in their rural surroundings. The Honourable the Member for the Warri Division raised the question of Leprosy Control and Water Supply for the township of Warri. He will find on referring to Head 47 of the Estimates that Leprosy Scheme has been given support by the Secretary of State to the considerable extent of £258,000. The Director of Public Works has already in hand the question of water supply for Warri township and I am glad to tell the Honourable Member that it is already in the Estimates for the current year and is one of the places to be given attention.

The question of the Marine Department raised by the Honourable the Second Lagos Member is something which can be dealt with by the Honourable Member sitting on my left, who is at present discussing with the Development Branch his plans or programme for the Marine Department.

The Honourable the First Lagos Member in reference to technical training asked whether it includes any agricultural training scheme. I would refer him to page 12 which has clearly stated that the whole question is already under consideration at the present moment.

The subject of tele-communications, Sir, is connected with Development and the question is one which, I am sure, we will deal with as soon as assistance is obtained. Another point was the question of tele-communication between the Eastern Provinces and Lagos. I notice the need of the Eastern Provinces to talk to Lagos frequently, and I also like to see the suggestions of the Chief Commissioner, Eastern Provinces, for tele-communication in his area, and I can assure you he is very much interested to put this through as early as possible. It does not mean, however, that through tele-communication can be put in until the necessary equipment is available. We have this in hand at the present moment and it is hoped that it will not be more than eighteen months or two years, before there will be tele-communication right through from Enugu to Lagos. That depends, however, very largely on the rate at which the necessary material is made available from the United Kingdom and the men put on the work.

In conclusion, I should like to repeat that it is gratifying to have this excellent response to the Development Programme from the Honourable Members on the other side of the House.

The Hon. G. L. Howe, Solicitor-General :

Your Excellency, there is only one small point to which I wish to refer, and that is the question of these goldsmiths and their licences which has been raised by my Learned and Honourable Friend, the First Lagos Member.

The position is that when this Ordinance was introduced into this House a year ago it provided for an appeal against a refusal to issue a licence to His Excellency. Honourable Members did not like that system and pressed for an amendment that such an appeal should lie to the Supreme Court and accordingly under the Ordinance now the Appeal does so lie.

I understand that none of the 171 goldsmiths mentioned by my Honourable Friend has appealed, and since they have not chosen to utilize the appeal to the Supreme Court so hardly won for them last year nothing can be done for them now. Honourable Members are well aware of the practice whereby the Executive does not interfere in any matter until all available avenues of judicial appeal have been exhausted, and consequently His Excellency is now in the position of not being able to do anything.

However, there may be some substance in this grievance, and I have discussed with the Honourable the First Member for Lagos and the Honourable Member for Ijebu who is also interested, and we have arranged that, with the Commissioner of the Colony and the Goldsmiths' Union, the matter will be gone into to try to reach a formula which would be acceptable to all interested parties.

The Hon. E. A. Miller (Commissioner of Labour) :

There are many matters which I am called upon to reply to, but first of all I have been asked to reply to those questions which have been raised on welfare. At the present moment Government has no separate organization for welfare, and the whole question is receiving consideration by Government. It is not, therefore, possible for me to give any detailed reply to such questions as were raised by the Honourable Members for Calabar and Ondo. I hope to be in a position to give them some further information at no distant date.

Referring to labour questions, the Honourable Member for Calabar raised the question of the necessity for finding employment for school leavers in the Eastern Provinces. This finding of employment for school boys and school girls when they come to leave school is a completely new service in this country, and so far it has not been extended beyond those boys and girls who have obtained the School Leaving Certificate standard at the time they leave school. I can assure my Honourable Friend that as regards boys from the Eastern Provinces, of those boys who have attained that standard last year, there is not a single one who has not been offered employment suitable to the qualifications which he holds. As regards those with lower qualifications, appointments have been found for a considerable number of them, but the service was not fully organized last year, and I hope that before long we shall be able to include boys and girls leaving school from Class IV upwards.

If the Honourable Member would look at the last item of expenditure in the Estimates for the Labour Department, he will find an item of special expenditure for the establishment of Juvenile Employment Exchanges at Ibadan, Onitsha, and Calabar, and the establishment of these Exchanges should go a long way towards dealing with this problem which we have only attempted to deal with in Lagos so far. The Juvenile Employment Exchange has only been established for just over one year, and therefore there has been little opportunity for the Honourable Members of this Council to see the work they are carrying out there, but if any Member would care to look round and see our Juvenile Employment Exchange I shall be very happy to make the necessary arrangements and go round with him.

The Honourable the Commercial Member for Lagos referred to the difficulties regarding his staff, and he hoped that he would not be required to send in a flood of returns and statistics in connection with the new Labour Code. He also hoped that real steps would be taken to ensure that adequate accounts were returned by the Trades Unions. On both these matters I Council Debates

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gave assurances at the time when I was speaking on the first readings, and I do not think that it is necessary for me to say anything more at this time.

But as regards the question of the organization of the Trades Unions which the Honourable Member deplored, I would like to inform Members that this is a matter which we have regarded as extremely serious: we have regarded it so for some time. When the Department of Labour was established these House Unions were already in existence—some eighty or eighty-five of them, and it was one of our first tasks to hold meetings with the Trade Union Congress to see if we could not get them organized on proper lines. It is, of course, a very big job to change eighty-five Unions into eighteen or twenty, and naturally Unions themselves have so far found it rather beyond their powers.

I should like, Sir, to read an extract from the letter which I addressed to Government last November on this same subject :---

"During the four years immediately following the enactment of this legislation there was nobody in the country with any Trade Union experience and when an experienced officer was appointed to the Department in 1942, the harm had already been done. Moreover, this officer had so many other duties that he could not possibly spare the time to educate and encourage the nascent Unions towards the achievement of a proper organization."

I leave that paragraph and go on to the next one.

"We must therefore undertake the training and education of the Trades Unions and emphasis will be laid on the two following points. The necessity for the complete reorganization of the old movement so as to provide for the establishment of the Unions on a craft basis and the elimination of a large number of small and practically useless Unions which are now established on a "house" basis. If this reorganization were carried out we should be able to build up a few strong and healthy Unions which would be able to play their proper part in the development both of labour and of industry."

I am very glad that the Honourable Member raised this point because in order to train and educate the Unions on the lines which he desired, I am asking in the Estimates for the appointment of two new officers with special Trade Union qualifications who will assist us in the work which we wish to carry out, and I feel sure that after what he has said he will give his support to this as an Honourable Member in Finance Committee.

I very much welcome, Sir, the assurance of fuller co-operation with regard to the resettlement of men which was given by the Honourable Member for Mining and hop-fonourable Commerical Member for Lagos, and I should like to bring to the notice of Honourable Members of this House the fact that we are establishing a Benevolent Fund for ex-Service men when they return to Nigeria. The actual details regarding the administration of this Fund have not yet been finally settled, but they will be published as soon as Your Excellency's approval has been given to them. I should like to say that so far, through the generosity of the Nigerian War Relief Fund we have $\pounds 10,000$ to our credit, and that this War Relief Fund has promised us a minimum of $\pounds 25,000$, and another cheque is coming in in a few days. I hope that we shall be able to raise our total up to $\pounds 100,000$ or more, but I am afraid that this total can only be accumulated by means of an appeal to the general public of Nigeria for support, and I feel sure that they will support a scheme of this nature very generously indeed.

There is just on a other point. The Government, Sir, has under consideration a scheme similar to that which has been prepared in the United Kingdom whereby disabled men may be given grants to re-start their businesses which may have been interrupted by the outbreak of hostilities. We have not got very far with our preparations for this scheme, but I just mention it so that Honourable Members may be aware that Government is not unmindful of its responsibilities towards those who have borne the horrors and discomforts of war in other countries.

The Hon. A. G. Beattie, Acting Director of Agriculture :

Your Excellency, I welcome, Sir, this opportunity to acknowledge the complimentary remarks upon the work of the Agricultural Department made by Honourable Members of this House. I also welcome this opportunity to respond to some of the suggestions and criticisms which Honourable Members have been good enough to include in their speeches.

I am glad of these suggestions and criticisms for they enable me to make some observations now which I hope may be helpful.

The remarks by the Honourable Member for Calabar upon the work of the Department generally will be received, I am sure, with satisfaction by all officers of the Department.

The Honourable Member expressed a need for decentralisation in respect of the work of the Agricultural Department. I believe that the new Constitution for Nigeria will provide for the kind of decentralisation he has in mind. The needs of the dense population of the Eastern Provinces are prominent in the Development proposals which are now receiving the attention of Council. I can assure the Honourable Member that officers of the Department are not unmindful of these needs of the people of the Eastern Provinces—indeed the necessity for an early betterment of the Agricultural economy of the people.

In his very able speech the Venerable and Honourable the Member for Ondo Province spoke of the satisfaction he gained last year from visiting some of the reclamation work carried out at Apapa. He hoped that suitable measures could be taken to reclaim some of the swamp lands in other parts of the country and to render them productive. Preliminary steps have already been taken by Government to this end by bringing two large swamp areas into cultivation for the production of Rice. We that in due time Rice will be sown very plentifully in the Southern Provunces.

Proposals for Development include considerable provision for expansion of this work.

I am inclined to think that the Honourable Member perhaps did not look quite far enough over the fence at Moor Plantation to enable him to see the imitatory methods followed by many farmers in that area. Improvement in Agricultural method is always slow and gradual. It is well that it should be so if we are to anticipate true success. I am not in a hurry to see the industrious farmer of this country exchange his matchet and cutlass for a

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steam plough or a tractor. Changes such as these must go hand in hand with increased knowledge. It has been stressed by one Honourable Member that laws should not be introduced to Nigeria which are in advance of the capacity of the people. Equally or more so it would be incorrect for me to attempt to introduce to or to urge upon the cultivator, instruments or implements which are in advance of his capacity.

The Government is prepared to introduce some mechanical aids to cultivation for experimental and demonstration purposes as soon as they can be obtained. But let me say here that small tractors of a kind that are likely to meet with favour among farmers in this country could become a serious factor in soil degradation if they are not properly handled and applied.

The Honourable Member suggested last year and again in his speech of Wednesday last that suitable staff should be sent to the Western world for training in Agriculture. Your Excellency's Address to this honourable house contains reference to the fact that seven members of the Department are now undergoing training in Trinidad. It is our intention that more should be sent to Trinidad and to the United States as opportunity offers.

The Honourable Member would like to see tall grass areas in this country replaced by vast fields of sugar-cane and wheat. So should I. Just as soon as there is any noticeable demand on the part of the people to grow such crops in areas where they will grow, the Agricultural Department assists and will assist in every way possible. The production of both these crops received an impetus in the Northern Provinces during the war. Such progress as has been made in these Agricultural efforts to meet the needs of the people have only been possible because of the interest, industry and co-operation of the farmers concerned. Without this and the will to work there can be little of Agricultural improvement.

Education is the secret to improvement in Agriculture as in other spheres. I look for a wider interest from the people, in the facilities which will henceforth be afforded at Farm Schools.

The work of training of teachers to enable them to teach agricultural subjects in schools is conducted at Ibadan and Umuahia by officers of the Education Department. This work is carried on in both places in close collaboration with the Agricultural Department. The Honourable the Second Lagos Member has expressed some dissatisfaction with the rate at which farmers take advantage of the results from Agricultural experimentation and propaganda. I sometimes get a little restive about these things myself. However, Your Excellency, I suggest that the Honourable Member seems to take an unduly pessimistic view. Judging by the large number of applications for assistance received by Agricultural Officers I cannot believe that farmers are insensible to the advantages which are available to them. The work upon which the Agricultural Officers are called upon to advise is fully reviewed in your Excellency's Address, which I understand some members have not have time to study fully.

If the Honourable Member for the Warri Province will give me further particulars of the pests and diseases to which he made reference in his speech I shall be pleased, Sir, to look into the matter.

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The Honourable Member for the Colony Division indicated some interest in Rice Mills and hullers, and their products. Successful experiments have been conducted with some types of Rice Mills, and these should be available from commercial houses after the war.

In reply to the Honourable Member for Ibibio Division, I should like to say that Development proposals envisage the establishment of farms in the Eastern Provinces at which stock improvement will be carried out.

The Honourable Member for Ibo Division will doubtless be glad to learn that Development proposals include provision for Agricultural Education which will provide adequate training for all Eastern Province candidates of suitable ability, who are willing to undertake to advise their own people in Agricultural improvement.

The Honourable Commercial Member for Lagos referred to several matters of Agricultural interest.

I propose to mention just one of these. The Department has continued to do its utmost to maintain quality in Japanese Birdseye Chillies by confining or trying to confine the growing or purchase of these to two small particularly suitable areas at least until such time when standards become well known. In endeavouring to maintain high standards the Department needs the full co-operation of Commercial interests. So far as I am aware, the sole purchaser of Birdseye Chillies for export is the Firm served by the Honourable Member. The past season has been a somewhat unfavourable one climatically for the best maturing of this crop, particularly toward the end of the season. I shall continue to welcome the advice and co-operation of the Honourable Member.

There is one other point, Sir, which I should like to bring to the notice of Honourable Members. To enable me to assist suitable parties or individuals to visit Agricultural institutions or farms, I have at my disposal a small fund provided by Government, which can be used for this purpose.

Now, Sir, I have confined my remarks to some of the points raised by Honourable Members, for as I said before, the activities of the Department have been reviewed already in your Excellency's Address presented to the House.

I thank you Sir.

The Hon. the Director of Public Works :

Your Excellency, the part which the Public Works Department has to play in the Development Scheme has already been noted in Your Excellency's Address, Sessional Paper No. 6, and by my Honourable Friend the Development Secretary, and more information will no doubt be given in Select Committee. It therefore only remains for me to furnish the information requested by various Honourable Members during the course of the Debate.

The Honourable Member for Calabar suggested there should be an electricity grid for Nigeria. Now that at first sight is a very attractive proposition, but long transmission lines are very costly and high voltages have to be employed. The type of electricity supply that we anticipate in Nigeria is one with a comparatively small domestic demand, mostly at night, and with

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very little, if any, industrial demand. The economic range of transmission for that type of supply is about fourteen to fifteen miles. It is obvious it would not stand the heavy capital charges of long transmission lines.

The Honourable Third Lagos Member put forward the suggestion that the Electricity Branch of the Public Works Department be constituted as a separate department, but it is not possible at this time honestly to recommend this. Such a course would not bring any advantages either in economy of operation or in the reduction of charges to the consumers. The Electricity Branch, so far as staff and expenditure go, constitutes about one-sixth to one-seventh of the total activities of the department and is very much interlocked with the other activities of the department, especially in the case of Water Supplies Schemes, many of which are combined Water and Electricity Schemes. The Water Supply Branch itself may form a small sub-department, and it may be necessary to deal with roads in the same way. It is therefore a question for future policy as to whether it is better to have a number of small departments or one parent department with several branches.

Several Honourable Members, particularly those for Ondo and Egba, put in pleas that when schemes for development such as water and roads were being prepared, the needs of the farmers should not be overlooked. Now, Sir, the main object of the schemes for rural water supplies and feeder roads is to assist villages and rural communities. The Rural Water Supply Scheme is especially designed to improve and develop village supplies and improve health generally and also reduce the amount of labour required for getting water. The Feeder Road Scheme is intended to bring the roads nearer to the farms and to substitute motor transport for head loading, with consequent economy both in money and labour. Carrier transport costs something like 2s a ton mile which is very much greater than that of motor transport. A two-ton lorry running a reasonable mileage of say 2,000 miles a month, with 50 per cent pay load, is equivalent to some 500 carriers.

The Honourable Member for Calabar expressed the hope that we would not overlook the important point of providing motor transport, otherwise the roads will be of no use, and I assure him; that point has not been overlooked and suggestions were made during the discussions in London on this point.

The Honourable Members for Ondo and Warri suggested that they would like to see the whole of the main road system of Nigeria tarred. That also is a very attractive proposition at first sight, but it would be very costly. To tar the main road system would cost not less than $\pounds 6,000,000$. But there is an even more serious difficulty, and that is the very considerable increase in the cost of maintenance. If you increase the standard of a road you increase the cost of maintenance at the same time. It is quite obvious that a road like that from Lagos to Abeokuta costs far more to maintain than the road from Akure to Ado Ekiti. The average cost of maintaining a road with a gravel surface is some $\pounds 30$ or more a year. The minimum cost of maintaining a tarred surface is between $\pounds 60$ and $\pounds 70$ a year per mile. All that is possible therefore is by carefully watching the road traffic census returns and scrutinising the estimates for maintenance, to determine the time at which it becomes more economic to provide a tarred surface. That point is when a gravel road reaches something like $\pounds 50$ a mile per annum. After that it goes up very rapidly and it is then time to look ahead for once a decision is made to tar a road it takes two to three years to finish the work and expenditure goes up by leaps and bounds.

The Honourable Member for Oyo mentioned the need for more standpipes in the Ibadan Water Supply, and said he understood there was certain difficulty in obtaining pipes. I have been unable to find out if any proposal has been put forward for more standpipes, and there is not a great deal of difficulty in obtaining pipes at the present moment, but now the fact has been mentioned it will possibly be taken up locally. The question of the Warri Water Supply was dealt with by the Honourable the Development Secretary.

I very much welcome the offer of the Honourable Member for the Ibibio Division to come and discuss his problems with me, particularly those of the junior technical staff, and I would like to say here that the designation of this grade has exercised both my predecessors and myself and I would be very grateful for any alternative suggestion that could be adopted. This grade is an omnibus grade. It comprises draughtsmen, architectural assistants, assistants for civil mechanical and electrical engineering branches. It is only fair to say that the training which is given in these branches is not designed to provide professional engineers; it is more for engineering assistants. Ι am not aware that there is any widespread discontent in this grade. The grades run the same in the Marine, Railway and P.W.D., and the training is much the same, in fact some of the Railway students come to the P.W.D. school and the P.W.D. mechanical students go to the Marine School. The prospects of promotion in this grade are quite good, and a very large proportion of those in the P.W.D. have in fact received accelerated promotion, and it is very probable that there will be more in the near future.

I am grateful to the Honourable Member for the Ibo Division for his suggestion that we should do something to stimulate a greater interest in their work, artisans and contractors. This is a subject which has been given a great deal of thought and discussion both in the United States and in England recently, and I have given it consideration but have been unable to make up my mind as to how far we can go. One small way in which something could be done is by the use of models : and we have gone so far as to start making models—approval has been obtained for a new laboratory and model room at the P.W.D. Headquarters next year. We have already started in a small way in temporary accommodation, and if any Honourable Member would like to come and see these models we should be gratified to show them.

The Honourable Member for Ibo also mentioned the use of contractors. Well it is the policy of the P.W.D. to use the contractors to the fullest possible extent and wherever we can; in fact we do use a very considerable number. It is true that in Nigeria there are few contractors able to undertake the complete execution of a major work, but there are enormous numbers of contractors who can do some part of a work. If it had not been for those contractors we should not have been able to carry out the huge volume of work during the last two to three years,

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It was also mentioned as to what happens to the balance of a vote at the end of the year. A suggestion was made that the idea was to spend it up quickly.

think if Honourable Members will look at the Accountant-General's report, which unfortunately always appears rather late, they will find there is on most recurrent votes something like three to five per cent saving. That is as near as one can get in estimating.

I think, Sir, that covers all points raised by Honourable Members.

The Hon. the Senior Resident, Kano Province :

Your Excellency, I need not delay the House long, especially as no reference has been made in the speeches from the other side of the House in connection with Northern areas.

I would, however, express to the Honourable First Lagos Member my thanks for the pleasant things he said when recording his travels in those areas last year.

This lack of comment on the Northern Provinces may be in part due to the absence of the Honourable Commercial Member for Kano, but I would like to assure the Members of this House that the Northern Provinces desire their share in the improved services so eloquently demanded by Honourable Members from the Eastern and Western Provinces.

This apart, Sir, I would like to give the Honourable Mining Member an assurance so far as is possible on the difficult question which he raised about allotments and separation allowance to wives of soldiers. This is, as he said, a most important question, and I can assure him, Sir, that it receives very careful attention from administrative and other officers responsible for dealing with this work. They receive in many cases considerable assistance from the voluntary efforts of ladies and others who assist in dealing with letter writing. In all cases additional staff is supplied to deal with the payment of allotments, and the correspondence involved therein. In Kano itself, where there are a large number of women, a special allotments office has long been in existence ; it has a special staff and is under full-time supervision of a European woman. I think the work there is reasonably satisfactory, and I am glad to say, Sir, that when we have difficulties we receive the fullest co-operation and assistance from the Army Pay Corps.

I would not, however, wish to give any impression of self satisfaction or undue complacency, and if any Honourable Member has information about irregularities or delays in the payment of separation allowance, I hope that they will inform the nearest District Officer or Resident without delay. I can then assure them the matter will be immediately investigated and, if necessary, remedied.

The Hon. the Director of Marine :

Your Excellency, I want to assure the Venerable and Honourable Member for the Rivers Division that his request for Government transport services between Port Harcourt, Degema, Brass, Akassa and Bonny has not been overlooked. I recommended that provision be made in the 1945-46 Estimates for vessels for these services. The question was referred to His Honour the Chief Commissioner, Eastern Provinces, who supported my proposals, but at the same time he suggested the services might be extended to places on the river such as Amassama, Yenagoa and Sabagriega. These suggested extensions needed further consideration and by the time a decision was reached it was too late to include provision in the printed Estimates, but it is my intention to bring this matter up again in Select Committee, and I think we will, with the assistance of the Honourable Member, get the Financial Secretary to give us some money.

The Honourable the Commercial Member for Lagos referred to Victoria Beach erosion. A survey of the Harbour entrances, the bay to the east of East Mole and the coastline, has been in progress for some three months, acting on the advice of an independent consulting engineer, who visited Lagos in September last and was invited by Your Excellency to examine the position and advise. As soon as this survey is completed and necessary data obtained, a decision will be taken and all reasonable measures taken as necessary. Groynes have been suggested as an experimental measure, but the placing of these will be deferred until the results of the survey are known. The Honourable Member need not have any fear for the safety of the European Hospital. I feel sure it is safe and will be available for him as long as he is in the country.

The Honourable the Member for the Cameroons again raises the question of the transport services between Victoria and Calabar. This matter has not been overlooked during the past year. Enquiries have been made overseas for a suitable vessel for this service, but we have not been successful. I emphasise the word "suitable," because this launch passenger traffic has sprung up during the war and, when the war is over and regular sea going services are resumed, the justification for maintaining this service may not be there and therefore when obtaining a launch now we must get one suitable for other purposes as well as that of the launch passenger traffic service between Victoria and Calabar so that we can use it elsewhere if we have to close down on that service. The sum of £20,000 has been included in the 1945-46 Estimates to purchase a suitable vessel but I have, as a preliminary, cabled enquiries as to cost and am afraid the vessel will cost nearly £50,000. Further enquiries are being made and this service will be improved as soon as it is possible to do so.

I undertake to make enquiries as to the different fares for similar accommodation in the Plantation launches on the Victoria-Calabar service. I do not know the reason, but in the meantime I suggest that every Honourable Member who goes that way pays first-class fare and takes a first-class position.

There is one other point. The Honourable the Second Lagos Member referred to Marine development. These proposals are being discussed with my Honourable Friend the Development Secretary and the plans have been completed.

The Hon. the Acting Deputy Chief Secretary :

Your Excellency, during the course of this Debate a number of Honourable Members have raised matters affecting the activities of the Director of Supplies and his officers. I had hoped to be able to reply to all the points raised, but time is pressing and I shall have to confine myself to the more important points which have been raised.

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During the course of his very comprehensive speech my Honourable Friend the Commercial Member for Lagos has made complimentary remarks about the Director of Supplies and his officers. Those remarks will be very greatly appreciated. But I think I should take this opportunity of informing my Honourable Friend that without the assistance and co-operation of the Commercial community of Nigeria, both European and African, the Director of Supplies would not be able to perform his functions at all. Since the Supply Branch of the Secretariat was formed we have had continuous and unstinting co-operation from all the commercial community in Lagos, and it has been very greatly appreciated.

The Honourable Member for the Ijebu Division had a good deal to say on the subject of gari, and I think that before I answer the specific points that he raised it may be advisable to give Honourable Members the background of the gari question, which has caused a great deal of criticism, some of it perhaps rather uninformed.

Honourable Members will remember that in 1943 there was in Lagos a considerable scarcity of staple foodstuffs in the markets, and prices rose to unjustifiably high levels. These levels were such that the ordinary people in Lagos could not possibly afford to pay them. Now Government has no desire, in the ordinary way, to interfere with the trade in local foodstuffs, whether in Lagos or anywhere else, but when Government sees a situation develop in which the essential food supply of 200,000 people is seriously menaced it has an inescapable duty to perform, which is by all means in its power to ensure that food is available at reasonable prices and in adequate quantities. There was then in the second half of 1943 a considerable danger of hunger, and some risk even of starvation, in Lagos. There was, particularly, a serious shortage of gari which, as Honourable Members are aware, is the basic food of the poorer classes of Lagos society. Accordingly, in order to make supplies available, arrangements were made by Government for obtaining supplies in the producing areas, and an organisation was set up to purchase them and transport them to Lagos and put them on the Lagos markets at reasonable prices. The result of the introduction of this Lagos Marketing Scheme has been that in the ensuing period of eighteen months there has been practically at all times a sufficiency of food in the markets. I feel, therefore, that there can be no question that the Lagos Marketing Scheme has been welcomed by the vast majority of the population. The only persons who have not welcomed it are those who were anxious to take advantage of the situation to make excessive profits, and I feel quite confident there is no Member in this House who has any sympathy for such persons.

In his speech the Honourable Member for the Ijebu Division stated that the arrangements made for obtaining gari in the gari province were causing hardship to the population, and he also stated that the price was too low. I do not doubt that some inconvenience was caused, and perhaps still is being caused, by the arrangements which have been made to get supplies of gari. But there is no question that during the period of the war, when abnormally large numbers of people have been congregated in various centres of population, and when a large number of farmers have been away, either on military service or doing work necessary for the war effort, such as construction of airfields, etc., there have been shortages of food in various centres from time to time, and the demand for food has quite frequently exceeded the supply. The Honourable Member referred to the fact that two or three months ago the price of gari was reduced in the Ijebu Province : in actual fact, when the price was reduced it was fixed at the figure which then obtained in the market. Subsequently the ground became hard, and digging up cassava roots became difficult, and for this reason the price was later raised to compensate the growers for the additional labour they had to perform.

Now I think those Honourable Members who were aware of conditions in Lagos before the war will remember that there was no shortage of gari or any other foodstuff in Lagos at any time of year. There was, perhaps, a seasonal rise of price in the dry season, but there certainly was never any shortage. Moreover, the price obtaining before the war was very substantially less than that which has obtained in the last two years.

The Honourable Member suggested that if there were no control of gari the price would go down to normal. Government, however, is unable to accept this suggestion; it is not in accordance with the experience that we have gained, since on every occasion the Lagos Marketing Scheme has been short of supplies the Black Market has again started to flourish, and it is only when the Lagos Marketing Scheme has plenty of supplies there is no opportunity for the development of a Black Market. The Honourable Member will probably recollect that it was only a few months ago that gari was being sold, in spite of the Lagos Marketing Scheme, through the normal trade channels at prices substantially less than those prescribed by law, consequently a control order, while it prevents prices rising above a certain maximum, does not prevent prices being below that maximum, if the Supply condition is such as to enable commodities to be sold at cheaper prices. The fact of the matter is that, in the opinion of Government, if the control were removed the profiteers would again step in and we should go back to the unsatisfactory and dangerous position which obtained eighteen months ago. Government therefore proposes to continue the Lagos Marketing Scheme until such time as it is fully satisfied that the needs of the people of Lagos will be satisfied by the normal channels of trade, and that the ordinary men and women in Lagos will not be left to the mercy of speculators and profiteers.

The control of gari must also entail control of movement as well as control of price, because if there were no control of movement there would be nothing to stop gari being attracted in directions away from Lagos and consequently the Lagos markets would go short. Therefore, in spite of periodical ups and downs in the Lagos Marketing Scheme, and of the fact, which is fully recognised by Government, that there has been inconvenience and even some hardship caused in producing areas, it is unquestionable that the scheme has been, and is, serving its purpose, and the food situation here is, and has been better than it would have been had there been no scheme.

The Honourable Member will perhaps be glad to know that arrangements are now in hand for an Inquiry to be made into the economics of the gari industry in the Ijebu Province, and an experienced officer is now conducting his enquiries with a view to making recommendations to Government as to

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what the price of gari should be and as to the seasonal variations in price which may be necessary.

I should like to take this opportunity, on behalf of the Government, to congratulate and thank the producers of gari in the Ijebu Province, the producers of rice and maize in the Abeokuta Province and the producers of rice in the Niger, Ilorin and Sokoto Provinces, and to say that both Government and, I am quite sure, the people of Lagos greatly appreciate the efforts which have been made by the farmers in these provinces, and by the Native Administrations, the Chiefs and the Government officers, all of whom have done magnificent work in producing the food which we have asked for. And I should perhaps add that by making food available in ample quantities in Lagos, and in making very large quantities of grain available to the military authorities, the farmers of these provinces have made a very notable contribution to the war effort.

The Hon. the Director of Education :

Your Excellency, whatever definition Honourable Members accept of education and the purpose of education, it will be coloured by their own philosophies of life. And that these philosophies differ considerably the course of the debate has abundantly proved. It is, therefore, a normal experience for a Director of Education to listen to criticisms of a somewhat miscellaneous order. The Venerable and Honourable Member for the Colony Division, for instance, along with the Honourable Member for the Cameroons Division played the role of "Laudator temporis acti" and would no doubt accept the Encyclopaedia Britannica's definition of education as "an attempt by the adult members of a human society to shape the development of the coming generation in accordance with its ideals of life." With all respect to these Honourable Members, Sir, that is a most unsatisfactory definition; first, because it is a definition of training rather than education and, second, because the rising generation will live in the world of tomorrow.

Most of the points raised by Honourable Members have been dealt with in Your Excellency's printed Address to the Council or in Sessional Paper No. 6, and there is little for me to say in amplification. But, before proceeding to deal with outstanding matters, may I thank the Reverend and Honourable Member for Calabar and other Honourable Members for their appreciative remarks on the work of my Department during the past year. I thank those Honourable Members, too, who have offered constructive criticism—always very welcome to a Department which in the nature of things is highly selfcritical in that it has to deal in the main with human beings and not with inanimate consignments of merchandise.

My Venerable and Honourable Friend, the Member for the Ondo Division, in the course of his stimulating philippic, was, I suggest, a trifle inconsistent. He complained, amongst other things, of the dearth of Education Officers. He then proceeded to suggest that one exhausted Education Officer in the course of his peregrinations over three provinces upset school staff and frightened children. He proceeded to make certain observations on nomenclature and suggested that Inspector of Schools would be a more appropriate title than Education Officer. He pleaded for more Inspectors and greater use of local human material. He professed to be unaware of the functions of travelling teachers. He enquired whether Education Officers knew anything about education or about the language of the people amongst whom they worked. I will deal with these points in turn.

As to the dearth of Education Officers, I am acutely aware of the difficulties of directing the activities of a department whose active strength is threequarters that of 1939. If my Honourable Friend's strictures about frightened staff and pupils are indeed more than flights of rhetorical fancy I shall be happy to investigate the matter. On the question of nomenclature, I suggest that the Honourable Member is a little out of date. May I read, Sir, a short extract from a report of a Committee recently appointed by the President of the Board of Education in the United Kingdom to illustrate my point :--

".....The time has come to change the name by which the Inspectorate is known, since that name carries with it from far-off days associations which the teaching profession does not welcome. It is a name which too readily suggests something official and external, but it is the human co-operative side of the work which we should wish to emphasize in the name by which we know its representatives. They are partners from inside and not inspectors from outside in the work of national education. We would accordingly suggest that they be re-named His Majesty's Educational Advisory Service. Such a title would then more closely correspond to their true function and the change of name only represents the change which has taken place in practice in the last two generations."

As regards the greater use of local human material, I am not quite clear why the valuable services rendered by visiting teachers should be the subject of adverse comment, and I confess to a slight feeling of disappointment when the Honourable Member attacked my African colleagues who have in general given efficient service during a period of peculiar difficulty. Later in the debate he was supported in his plea for the use of local material by the Honourable Member for the Ibo Division who invited me to pronounce judgment on the work of two young African Education Officers. So far, these young men have justified their appointment but it may interest Honourable Members to know that in past years certain Africans were promoted to the rank of Education Officer primarily as a sop to African opinion and that in the event they proved mere "passengers." No Department can afford to carry "passengers " in these days—least of all that to which I belong : and any recommendations for promotion which I may make to Your Excellency will be based on merit, not seniority, without regard to racial considerations.

My Honourable Friend enquired whether Education Officers knew anything about education and whether they knew the language of the country. On the first point the normal qualifications for an Education Officer during the past decade have been an Honours Degree plus a diploma in education plus teaching experience. On the second point Education Officers are required to pass the language tests prescribed by Government. As to the optional tests, I may add, since my Honourable Friend represents a Yoruba constituency, that three officers of the Education Department have passed the Higher Yoruba test and that is more than all the other branches of the service put together. On the general language issue I agree in the main with his strictures : on the other hand there is something to be said for translating to

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another part of the Territory an officer who shows signs of developing a parochial outlook.

My Honourable Friend was good enough to suggest that my Department had been saddled with damnosa heriditas. However that may be, Sir, there is in that suggestion the seeds of a misconception. Policy is a matter for Government not for the Head of a Department and, in deciding on policy, Your Excellency is no doubt guided by broad principles prescribed by His Majesty's Principal Secretary of State. Similarly, when complaint is made of lack of continuity in educational policy the critics overlook the fact that policy has to be modified in the light of events. What I may advise Your Excellency now, for instance, is likely to be out of date in five years time and the volume of bills now before the Council is, in itself, an indication that there is such a thing as the "March of Time." As to the fascinating suggestion that my officers and I should be granted one year's leave, I doubt whether Your Excellency would approve, but were you to endorse that interesting experiment, I should enjoy listening to my Honourable Friend's Budget Speech at the end of the period, even more than I enjoyed listening to his speech of last Wednesday.

I turn now, Sir, to the remarks made by several Honourable Members, notably those representing the Calabar, Oyo and Rivers Divisions, on the important increases reflected in Head 13 of the Draft Estimates, namely, grants-in-aid and scholarships. As regards the former, it will be recollected that block grants have been "pegged" for a decade, and this has brought about an extremely difficult situation. Increases in the grants-in-aid sub-head in recent years have been devoted almost entirely to improving the lot of qualified teachers. The latter, as I said last year in this Council, though paid more highly in relation to the average inhabitant in Nigeria than in the United Kingdom, are not paid quite so highly as the professional classes generally. The position, therefore, cannot be rectified until the professions are dealt with as a whole. The emphasis on the improvement of the teachers' lot has meant that schools deserving of assistance have gone unaided while others which have deteriorated in efficiency have continued to receive the same grants as they did ten years ago. A considerable part of the additional funds provided in the Draft Estimates will, in the event of their approval, be devoted to needy and deserving rural schools rather than to the relatively wealthy urban schools. The Venerable and Honourable Member for the Rivers Division pleaded that certain recommendations made at a recent meeting of the Board of Education should not be applied to secondary schools and produced statistics to illustrate his theme. I would remind him that the Board of Education is an advisory, not an executive, body and that the financial implications of its recent recommendations are being worked out in co-operation with the Voluntary Agencies. I can assure the Honourable Members that his representations will receive the most careful consideration.

In the matter of scholarships the Draft Estimates provide for thirty in addition to those approved in the financial year 1944-45. Honourable Members will have observed that Social Science Scholarships, formerly provided under Head "Miscellaneous," have been included in the departmental Draft Estimates. The actual distribution of scholarships will be determined by Your Excellency on the recommendations made by the Scholarship Selection Committee in the light of all the available data. Broadly speaking, however, the Committee are disposed to recommend ten departmental scholarships, ten open scholarships for women and ten for men from both the Southern and Northern Provinces, the latter of which have entered the lists for the first time. The Honourable Member for the Ibibio Division suggested that selection for scholarships were made by me personally and hinted that when selections were made, the Eastern Provinces were at a disadvantage." Both these suggestions are incorrect. I have already explained the selection machinery and need only add that the Committee includes the Honourable S. B. Rhodes who is a jealous guardian of the interest of the Eastern Provinces. Quite apart from Mr Rhodes' presence on the Committee, however, I must ask the Honourable Member to believe that members of the Committee take an objective view of the Territory's needs as a whole. In point of fact the majority of last year's scholarship winners were born and bred in the Eastern Provinces.

Several Honourable Members expressed satisfaction at Government's intention to inaugurate a superannuation scheme for non-Government teachers. My Honourable Colleague, the Financial Secretary, has already explained the necessity for doing away with Provident Fund schemes which have proved excessively difficult to operate. A Provident Fund scheme was originally mooted for non-Government teachers but, manifestly, any proposals in regard to non-Government teachers had to be brought into line with Government's proposals for the superannuation of its own servants. It has been explained, too, that the scheme will have effect from the 1st of April, 1945, subject to the Secretary of State's approval of Government's proposals. Reference was made to the possibility of making the scheme retrospective. It will have effect from the date on which it will apply to Government servants and it will apply to certificated teachers in both assisted and non-assisted schools.

Certain Honourable Members renewed their plea of last year for the provision of increased facilities for secondary education. I need only reiterate my agreement that these facilities are needed if only because primary, secondary and higher education are interlocked. The Honourable Member for the Rivers Division called for an improvement in primary school standards : this can only be achieved by an improvement in the quality of secondary education. But the most urgent need is improvement in the quality of our existing secondary schools, most of which are mediocre because of the lack of facilities for Higher Education. The suggestion that the exiguous qualified staff now available should be dissipated on further secondary schools would be suicidal. The great need of the Territory is a raising of standards in every walk of life. Our requirements are personnel and materials rather than money and, while it is possible to produce schemes on paper, they will remain on paper unless trained staff is available to carry them out. The general position is the more serious in the Education Department not only because it is impossible to recruit European staff at the moment but because it is impossible to replace the abler members of the African staff who have gone to the United Kindgom for further training. In providing additional

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scholarships for Africans at the moment, we are taking a big risk. We are in fact endangering the educational structure. But as has been said on more than one occasion during the debate, risks must be taken and I, for one, am not disposed to err on the side of caution in this particular matter. I must, therefore, enter a caveat against specious optimism on the part of the general public particularly as my Honourable Colleague, the Director of Public Works, has also a limited staff which can only undertake part of the building programme approved by Government. I would ask Honourable Members in the light of these facts to be good enough to counsel patience on their restive constituents and to represent to them the position in its proper light. I believe that the Elliot Commission report when received-I share Honourable Members' regret that their report has tarried-will emphasize the importance of improving standards in secondary school education, apropos of which I must refer to two points raised in the debate. The Honourable the First Lagos Member and the Honourable the Member for the Ibo Division gave as a reason for increasing the number of secondary schools the number of would-be entrants to existing schools. The information at my disposal indicates that nine out of every ten students desirous of entering a secondary school are in fact unfitted for secondary education. This no doubt causes dissatisfaction, as Honourable Members have pointed out, but the dissatisfaction is voiced primarily by young persons who have an exaggerated idea of their own abilities and by unthinking communities with an excessively parochial outlook. Administrative and Education Officers are continually beset with requests from such communities who clearly are unable to appreciate the implications in their entirety. The Honourable Member for the Warri Division opened his speech by thanking Government for approving the principle of establishing a secondary school for Warri Province. I hope that he will explain to his constituents that, for reasons which I have just described, it will be some time before the secondary school for Warri Province takes shape.

Reference was made during the debate to Agricultural Education. A clear distinction must be drawn between vocational training in agriculture and agricultural education. The former matter has been touched by the Honourable the Acting Director of Agriculture, as it is primarily the concern of his Department. As for the latter it is not the function of a primary school to produce professional farmers, clerks, or shop-keepers; but it is its function in country schools to saturate day to day activities with the atmosphere of rural science. Honourable Members may not be fully aware that Nigeria has been a pioneer in this respect and has set an example which has commended itself throughout the Empire.

The Honourable Member for the Oyo Division made some observation on taxation of school children. Public notices on this subject appear from time to time, so there is no room for dubiety in that respect. But I understand that the Honourable Member was referring to the expulsion of school children from non-Government schools in the Ibadan Division owing to non-payment of school fees. Proprietors of schools are of course at liberty to prescribe their own practice in such matters within reason; but if the Honourable Member will produce cases of real hardship or injustice I will have the matter investigated. I understand that the Honourable Member has in fact laid the matter before the Chief Inspector of Education, Ibadan.

Honourable Members gave a generous welcome to the appointment of a Woman Assistant Director of Education. I am sure that this appointment will be more than justified. There is no need for me to expatiate on the importance of women's education nor of the difficulties which lie in the way. Several Honourable Members, notably those for the Egba, Calabar and Ibibio Divisions, urged the establishment of Domestic Science Centres and Secondary Schools for girls throughout the Protectorate. I invite their attention to the notable provision for the former in the Public Works Extraordinary draft estimates. Plans are being worked out for the development of Women's Training Centres and Secondary Schools.

The Revetend and Honourable Member for the Colony Division made some interesting suggestions on the benefits to be expected from an interchange of visits between schools in various parts of the Territory. I was sorry, however, to note that he deprecated proficiency in Sports and Athletics. I believe that sports meetings such as that between the North and South in pre-war days were of immense value in achieving the object which the Honourable Member has at heart.

Honourable Members will have observed from Sessional Paper No. 6 that it has been possible to make some progress in framing detailed plans of expansion at the Provincial level. It may be of interest to Honourable Members to know that progress has proceeded furthest where developmental machinery has been brought into operation more quickly than elsewhere and where the local population has demonstrated a spirit of self-help. The Reverend and Honourable Member for Calabar referred to the emergence of District Education Committees. In general, these have already proved their worth in the Western Provinces, and I look forward to their assuming greatly increased responsibilities in the future. Indeed, their services will be required if educational planning in the Protectorate is to be really successful; for successful planning connotes the active and willing co-operation of the communities concerned. Moreover, effective educational expansion must proceed according to a planned scheme approved by a body functioning as a Local Educational Authority. Such control is necessary to safeguard against waste of educational effort and money.

-Several Honourable Members referred, directly or by implication, to that much discussed subject—" Mass Education in African Society." There is still a certain confusion in the public mind on this matter, fostered no doubt by the popular press; and, in addition, there are sceptics who have misunderstood the Report in several directions.

One of the criticisms advanced is that education has bred indecorous manners and a strong distaste for normal work, particularly farming and, so the argument runs, the rapid extension of Mass Education will multiply these evils on a vast scale. The Honourable the Second Lagos Member dealt effectively with this misconception. The evil qualities mentioned result from education being the privilege of a small and often youthful minority. An attitude of "hubris" will be impossible when the "privilege" becomes common. The distaste for manual work will yield in time to the same

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treatment. The strong reluctance to farm of which the critics complain is bound up, as certain Honourable Members have pointed out, with poor economic returns and the general dullness of life in the "bush."

Rural development, therefore, is needed on a wide scale and it is difficult to see how this can be achieved by "going slow" with adult education.

The Honourable Member for the Egba Division pleaded for the abolition of illiteracy in order to improve agricultural practice. I sympathise with his plea if only because we have it on the authority of a Royal Commission that illiteracy is the greatest single barrier to agricultural progress.

Some critics, amongst whom may be mentioned the Reverend and Honourable Member for the Colony Division, favour the extension of primary education while they seem to regard classes for adults as a waste of time or even worse. But surely this concentration on the children and the neglect of their elders is largely responsiblefor the cleavage between the generations of which we hear such widespread lamentation.

In general, Sir, the critics tend to think of education departmentally and to divorce it from life in general. The schools are not the only nor are they the main source of our social malaise. For example, all Europeans whether they be missionaries, miners, civil servants or men of commerce have wittingly or unwittingly been a solvent of African Society. The well defined rights and duties characteristic of tribal society break down before the impact of European ideas. There emerges the "individualist" intent on the acquisition of wealth. Unfortunately, too, it is the material side of European culture that most impresses the average African. The enormous mental and, indeed, moral effort that lies behind these material achievements is often hidden from him. As a result, we are confronted with a very difficult phase of social evolution : nevertheless the remedy—if there be a remedy—lies in pushing on rather than holding back. At any rate "going slow" in education is no fit accompaniment for a comprehensive programme of material development.

Allusion was made, in appreciative terms, by several Honourable Members to the statement on technical education on page 10 of Sessional Paper No. 6. This is scarcely the time for the elaboration of that statement; but I believe that Honourable Members are united in agreeing that Nigerian Society is at present unbalanced and any scheme calculated to redress that balance merits encouragement. Meanwhile, may I express my appreciation of the generous gesture made by the Honourable the Mining Member in the course of his speech when he offered to place students each year during the long vacations. That offer, Sir, will be gratefully accepted, particularly as the fortunate students will have the opportunity of practical work in what, I am informed, is the finest engineering shop in West Africa.

The Hon. the Director of Medical Services :

Your Excellency, as time is somewhat short, I hope the Honourable Members who were good enough to express appreciation of the work of my Department will not consider me discourteous or that I and my officers value their support and encouragement the less if I simply thank them sincerely on behalf of my staff and pass on at once to deal with the criticisms that have been made of some aspects of our work.

Nigeria Legislative

[Mar. 9, 1945

The Honourable Member for Calabar asked that the proposed Nutrition Survey should be wide enough to deal with the country as a whole especially the East. This of course will be done. The Secretary of State's Adviser on Nutrition in the Colonies was to have visited this country this month but though his arrival has been postponed we hope it will not be for long, for six years have already passed since his visit to West Africa was first projected. Regarding the request that Calabar should again become a Senior Medical Officer's station I can make no promises at the monent other than to state that I envisage a time when each Province will have its Senior Medical Officer responsible for all the medical and health services of the area. I agree with the Honourable Member that the Infectious Diseases Hospital in Calabar is now in an unsuitable location having regard to development of the town and I can assure him that the new town planning scheme for Calabar provides for a more suitable site for the institution. It is true, Sir, that the African Hospital, Lagos, carries a greater number of doctors and nurses than many of the other hospitals in important centres. This is partly because of the extent of the work performed by that hospital but mainly because it is our principal teaching centre both for nursing staff and doctors. Newly appointed doctors so far as it is possible are given their first instruction in departmental procedures in this institution and in hospital administration and management before they proceed to other stations. Honourable Members will understand that newly appointed officers are quite ignorant of Government General Orders regarding personnel and stores when they join the service and require some period of tutelage in these matters as well as to gain a knowledge of the central resources of the Department in the way of laboratories and vaccine institutes, etc., which are available for them in the conduct of their medical work.

More than one Honourable Member mainly from the Eastern Provinces has made representation on behalf of students in the Pharmacy School. I stated last year in this Council that I did not understand what the complaint was and that I was willing to give it sympathetic consideration if it was explained to me. No representations have been made to me since last session of this Council by the students who are as a matter of fact located in Lagos or by anyone on their behalf. However as it has been stated that they prefer the old conditions of service to those existing at present I will make a detailed comparison of these for the information of Honourable Members and I shall be glad if they will write them down for reference.

Present Conditions		Old Conditions
Year	Subsistence allowance	Salary
	£	£
1st	36	36
2nd	36 .	42
3rd	36	48
	Salary	
4th	66	54
5th	72	60
6th	80	66
7th	88	72

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In other words having lost $f_{0.18}$ in payments in the first three years of his training, under the new conditions he gets a $f_{0.30}$ increase of his emoluments in the fourth year; thereafter he proceeds onwards receiving each year more in salary than he would have been receiving under the old conditions. Again there is a higher proportion of senior posts for dispensers to junior for dispensers than is provided for any other similar grade as reference to the draft estimates will show. I welcome the support of Honourable Members for improved prospects for graduates of the Yaba Medical School. As I see "it there is nothing which can debar a Yaba graduate of suitable ability and experience from promotion to a higher grade in the service. Their eligibility for scholarships for certain courses of post graduate study in Great Britain is accepted and arrangements are being made for this.

I admit the valuable work which is being done by the Methodist Mission Hospital at Ituk Mban supported by statistics quoted by the Honourable Member. But the Medical Department, which in ten years, without increase of hospitals or medical staff, has increased the number of both in-patients and out-patients treated at its hospitals by 100 per cent, has nothing to fear by comparison of its work with that of any mission in the country nor in the devotion of members of its staff to that of mission doctors and nurses. The mission hospital in question carries a higher proportion of staff to work done than any Government Hospital and as I have been advised by several members to improve the conditions of work and service in Government institutions, it follows that it is my duty to do that first before recommending expenditure of Departmental votes on Mission Hospitals which would enable even more invidious comparisons to be drawn.

Last year, Sir, I took the Honourable Member for Ondo to task for applying the epithet "disgrace" to the Medical Services of the country when the word "misfortune" was more fitting. This year I congratulate him in applying the term with more aptness. I thoroughly agree with him that requiring patients to provide their own food when in hospital is a bad system, bad for hospital discipline, bad for hospital management and cleanliness, bad from the therapeutic point of view when an unbalanced diet so often has played its part in lowering the patient's resistance to disease. It is a system which has been inherited partly because of the added cost of running fully dieted hospitals (at the present moment it would require an addition of £20,000 a year to our expenditure votes to make the change), partly because of the difficulty in this country of coping with the varied food habits of the people and of supplying the type of diet and a cook to suit all tastes, and partly because of the unreliability of the type of food contractor we are forced to deal with. There seems to be a great scarcity of food contractors who have any sense whatever of the responsibility of the undertakings they enter into. For instance to-day it just happened that at the close of the morning session I went to the African Hospital to do a small service for my Honourable Friend the Member for the Colony. There I found the Sister in complete despair. Half the food required for this day had, at 12.30 p.m. not been supplied. So I gave her instructions to take money from the Imprest Account, send into the town and purchase everything that was required. And I hope the Financial Secretary will support me if I deduct the amount

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from the Contractors' account. That is the sort of situation one has to contend with. Still the change to dieted hospitals is one which will come as we train hospital dieteticians and obtain hospital contractors who have a sense of responsibility towards the terms of their signed contracts. The hospital the Honourable Member spoke so highly of in the Gambia was planned and organised by our late Deputy Director of Medical Services so the Honourable Member may be assured that it is not ignorance of the best hospital management by which the Department at present is fettered. I agree, Sir, that the Lunatic Asylum at Yaba merits no words of praise. As far back as the 1930's, if not earlier, the Yaba Asylum was condemned by the Department, funds provided for a new Asylum but subsequently withdrawn. Funds have now again, I am glad to say, been voted by the Finance Committee and a new institution is being planned which will be a Mental Hospital-not a Lunatic Asylum-a site obtained and the planning well advanced. This will be the first of two or more modern institutions for the care and treatment on modern lines of those suffering from mental and nervous diseases. I am glad that the Honourable Member also mentioned the importance of sanitation and I would draw his attention to a paragraph on page 31 of Your Excellency's printed address, the principle of which I hope Honourable Members will never cease to preach to their constituents throughout the length and breadth of the country.

The Honourable Commercial Member for Port Harcourt observed that education and health services were unproductive. I am aware that he was speaking on a strictly cash basis but lest his words may be misunderstood by the youth, who avidly accept the political utterances of unofficial members in a literal sense, let me state clearly that there is no more reproductive expenditure for the permanent welfare and advancement of the country than money spent on health and education.

The Honourable Third Member for Lagos spoke of his personal discomfort when a patient in the African Hospital. I have told him privately what happened to the mattress of which he so bitterly complained. But, Sir, after all these years of war we are all getting more than a little threadbare in our comforts, not only in the country and our hospitals but as the Honourable Member will agree also in our persons and in our own homes. In Great Britain these hardships are still more acute than in Nigeria. Nevertheless the time has now come when we can no longer postpone the re-equipment of our hospitals and I have given instructions that this must be in the forefront of our activities with the means at our disposal before our needs are swamped by the requirements of a Europe requiring rehabilitation and reconstruction. I have already dealt with the question of pharmacy students on whose behalf the Honourable Member entered the lists : the Honourable Member for the Rivers Division will receive a printed reply to his plea for private wards in Port Harcourt Hospital. In the Town Planning Scheme now being drawn up for Port Harcourt, provision is being made for a site for private wards for the hospital. The Honourable Member complains that the accommodation which I have outlined elsewhere as what should be our aim for a proper Maternity Home, will hit the Missions hard who are doing such good work in this line. I can only repeat what I have already said to one Mission that my sympathies are with the professional men and women who

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have, by force of circumstances in this country, been compelled to work under conditions so far removed from the professional standards to which they were trained, that the requirements which I have suggested should be our aim, will not be applied to the detriment of any mission unit which gives quality an equal weight with quantity in its work. Though we are all faced with the same difficulties in improving our standards that is no reason why we should remain complacently content that what is being done is good enough for Africa. If I am critical at all I hasten to assure my Honourable Friend that it is not in any hostile sense towards pioneering work.

The Honourable Member asked that Missions should have a representative on the Medical Board. I presume he means the Midwives Board. Representatives of the Missions have already been invited to be members of the Board and nominees have been appointed by the Christian Council and the Roman Catholic Mission. If the Honourable Member believes that man for man or woman the Methodist Mission is doing more work than Government Medical Staff he has been wrongly informed and as for recommending grants to pay for staff, I have already said that I am not prepared to recommend this while there is such disparity between the staffing of Government and Mission Institutions with their relative responsibilities and scope of work to be attempted. In this connection I am most grateful to the Honourable the Second Member for Lagos for pointing out how much requires to be done to improve the standards of the Government African Hospitals and the difficulties with which we are faced.

The Honourable Member for Warri spoke of the shortness of Government Medical Staff in his district. I sympathise greatly with this and our aim is that when staff is trained and forthcoming there will be no hospital of importance which the necessities of touring will cause to be left without a medical officer to attend to emergencies. The swamps of Warri are great and extensive; both capital and time will be required to conquer them. The Development Secretary has already stated that in the Leprosy Scheme a new Leper Settlement will be provided in Warri Province and Ossiomo will then cater for Benin Province alone.

The Honourable Member for the Colony has described to the Committee the conditions under which maternity work and training have to be conducted in the inadequate premises in Massey Street. We are already progressing in the direction of setting our own house in order as so strongly exhorted by Honourable Members. The sick children's clinic has been transferred elsewhere to relieve congestion, and estimates and plans for new maternity wards in another site are under preparation and will shortly be submitted to Finance Committee for funds to be provided.

The Badagri Infant Welfare and Maternity Centre, of which my Honourable Friend took an indifferent view, is a pioneer effort still in its early beginnings and will steadily be improved as its popularity grows with the people. Regarding the appeal for scholarships for Yaba graduates I have earlier stated that this has my whole-hearted support and will not be forgotten.

The Honourable Member for Ibibio will forgive me if I do not deal with his representations in detail. I think they have already been covered in my previous remarks-shortage of Government Medical Staff, assistance to Missions and improvement of Government Hospitals.

The Honourable Member for Ibo made his points with eloquence and emphasis. I have previously complimented him on his ability in debate. On this occasion, however, he sadly shook the foundations of most of his statements by concluding in each case with the observation " Of course if my information is wrong then I am open to correction." Your Excellency will forgive me, Sir, if I observe that if it is worth while disparaging the work of Government officers in resounding tones it is worth while first ascertaining the accuracy of information on which criticisms are made. The Honourable Member repeated that in spite of its colossal expenditure and the numbers of its doctors, nothing had been achieved by the Medical Department in Nigeria. In doing so he displayed his lack of knowledge of a subject on which he spoke with all the semblance of authority. The expenditure on medical services per head of the population in Nigeria is still far behind other countries and the number of doctors, less than two hundred (if all posts were filled) for all the various activities of the Department, is incredibly small for a population of 22,000,000. He then outlined the framework on which the hospital services of a Province should be planned and organised. Either, Sir, he had not read page 30 of your printed address or was doing Your Excellency the favour of instructing the Director of Medical Services to plan the development of Hospital Services on lines which had already received your approval. He then displayed his knowledge of his subject by decrying the necessity for more than lower elementary education for female nurses, on which subject I need not take up the time of Honourable Member at all. Next he propounded the principle that anyone who went in for medical and hospital services must be prepared to make sacrifices. I do agree that the professions of medicine and nursing have ideals and call for self-sacrifice. But in all things, Sir, there must be some degree of "sweet reasonableness." I have no doubt, Sir, that the Honourable Member in selecting for his own career the profession which I believe he has the honour to adorn, did so with the highest ideals of personal sacrifice. If I am wrong, Sir, I hope he will forgive me if I say that I am open to correction. The Honourable Member spoke of the division of responsibility between the Government and the Native Administration regarding the staffing and operation of Warri Hospital and the maintenance of its buildings. That, Sir, has been a valuable and happy co-operation for many years but the question of its continuance in changing times is one that is at present under consideration by Your Excellency's Financial Advisers.

His Honour the Acting Chief Commissioner, Western Provinces :

Sir, with reference to the question of the boundary dispute between Ijebu and Okitipupa, I know no more than what the Honourable Member for Ijebu has just told us in Council. I can only say that if the people of Okitipupa are living in Ijebu country and it is definitely established that they are farming on Ijebu farmland, they have to pay tax to the Ijebu Native Authority or go back to their country, Okitipupa.

The Honourable Member for the Oyo Division referred to the work of the Police at Ibadan. He maintained that they were not interested in preventing

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crime. Now, that is one of those sweeping statements easy to make but difficult to prove and equally difficult to disprove. Honourable Members will probably remember that two or three years ago, the Commissioner of Police, in answering certain accusations of this kind, said to Members that if they heard of any case in which the Police did not carry out their duties they should go to the local Superintendent of Police and ask him to take immediate action, and if action was not taken, then they should approach the Commissioner of Police himself. That, in my opinion, is the way in which the Honourable Member for the Oyo Division should have acted and I hope the way which he will adopt in the future. I would like to point out that Ibadan is an extremely large and populous town, and, like very many other large towns, it is extremely difficult for the Police to supervise and control. Admittedly there is much to be done in Ibadan, but the reason which the Honourable Member gives for the state of affairs there is not, in my opinion, correct. The fact of the matter is that there are insufficient police in Ibadan to carry out all their duties fully in dealing with crime. Incidentally, the Commissioner of Police will approach you and ask for additional provision in order to increase the strength of the Police in the Western Provinces and in Ibadan in particular; I hope you will give this your generous consideration.

The Honourable the Mining Member mentioned letters to soldiers. This gives me the opportunity of saying something on that subject. There is a town in the Western Provinces where a number of philanthropic people got together and said that they would write letters for friends and relations to soldiers, but when they got started no one would come forward to get these letters written. We have heard in this Council on more than one occasion, and I think so myself, that it is a disgrace that our serving soldiers abroad are not receiving adequate numbers of letters from relatives and wives at home. I should like to know what they think, what those fighting in the front will say of their wives who are receiving allotments and never even bother to write them a letter. I do hope that Members will do their best to persuade people to send letters constantly and let them hear all the news of their people : it is one of the greatest grievances of the soldiers in the Far East. People should realise that a letter from home to a soldier is a great stimulus and consequently plays a considerable part in winning the war.

I should like to congratulate the Reverend and Honourable Member for the Egba Division on his interesting maiden speech. He spoke of the exodus from Abeokuta to Lagos. I have been in Abeokuta recently and must confess to having noticed no signs of its becoming a deserted village. It is perfectly true that the exodus from the rural areas is very great and that this regrettable exodus adds to the enormous congestion in Lagos. It is a problem of extreme difficulty and its solution must give a headache to the Authorities as well as to the inhabitants of Lagos. I can only suggest that the Reverend and Honourable Member should devise some scheme by which the people of Abeokuta could be dissuaded from coming to Lagos.

He also spoke of the Post Office there and asked that it should be placed in the centre of Abeokuta. I must draw his attention to Question No. 37 in the Order of the Day on Monday last. As to boxes, the difficulty is that there are no private letter boxes available at present as they are made of metal;

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nevertheless, I will enquire from the Postmaster-General as to when there is any likelihood of getting further supplies.

The Honourable the Third Lagos Member objected to a review of Native Court cases by Administrative Officers. I am afraid I cannot agree with his objection to a review of judgments given in Native Courts presided over by Barristers. A barrister is a man who is well versed in British law; he has, as a rule, been out in this country for some time learning his job, but the fact that he is versed in British law does not mean that he is an expert in native customary law. On the contrary, he may conceivably be prejudiced subconsciously against native customary law where it is not altogether on the same lines as the law administered in a British Court. A review by an Administrative Officer is the review of the native court case by the man who should be, and I think is, best qualified to be considered as an authority on native law and custom. He is a man whose business it is to know what is native customary law and to have available to him expert opinion on the subject.

I am distressed that the Venerable and Honourable Member for the Rivers Division should throw an apple of discord between the Western Provinces and the people of the Eastern Provinces, in the form of a tennis ball. His Honour of the Eastern Provinces does not share the suspicion of the Venerable and Honourable Member that the Western Provinces have been depriving the Eastern Provinces of tennis balls. He assures me that in so far as he is aware, tennis balls in the East are in good supply. So we can continue to play our tennis in the Western Provinces with a clear conscience.

His Honour the Chief Commissioner, Eastern Provinces :

With reference to the criticism made by the Honourable the Member for Calabar against Native Administration in, presumably, Calabar Province, though I am not sure if he intended to embrace the whole of the South-eastern Provinces, he stated that the Administrative Officers are "running the show" instead of acting in an advisory capacity. These criticisms may in some degree be warranted, but I contend that the Honourable Member has not fully stated the circumstances. The full facts are as follows. It was some fifteen years ago when the policy of Native Administration was formulated, at least five of these were taken up with the compilation of Intelligence Reports in order to find a basis on which to build. A basis was found, but the task of framing representative councils was difficult in the extreme. Some order was however, produced from what threatened to be a complete chaos. Gradually, by the help of Administrative Officers, Councils were formed mostly through trial and error and, even when the war started, the Calabar Province was upheld as a model of what things might be elsewhere in the future.

Naturally, experienced Administrative Officers, as experienced advisers, had to play a very prominent part in guiding the formation and development of the Native Authorities, but when the war came, through shortage of staff and the introduction of many war-time occupations, Administrative Officers were forced to ease their activities, and many Native Administrations had to continue on their own.

If, as the Honourable Member puts it, the state of Native Administrations in the Eastern Provinces is deplorable—which I do not admit—it is not

through over-supervision by Administrative Officers. As I have said, they have necessarily had to give up a lot of supervision, but they could not give up everything.

I do not say that the Native Authorities are entirely competent after so short a period, but they are capable of supervising tax collection and, in fact, have to some extent proved successful. I think, Sir, that things being as they are, a reasonable basis has been found and given time, encouragement and co-operation, we may work with greater confidence in the future.

The Rev and Honourable Member also stated that the Native Authorities are little more than tax-collectors; that statement is apt to be misleading. After all, one of the principal duties of the Native Authorities is to collect taxes, and then handling of this duty reflects credit on them.

A certain Honourable Member referred to the question of Municipal Council in Calabar and stated that Calabar Chiefs have been considering some form of municipal council for some time. In actual fact, they have been considering it for nearly two years, but I do not want to go into the details of this matter at this stage. I may mention that Administrative Officers are constantly thinking of the good and progress of the Native Administrations and whether they "run the show" or not, their advice and co-operation are very valuable.

The Venerable and Honourable the Member for the Rivers Division raised the question of the payment of subsidies. Your Excellency has decided that payment of subsidies and arrears now due may be made to the Houses of the Chiefs as suggested by the Chiefs themselves to the amount of four hundred pounds a year. There remains the question of one hundred pounds which were subsidies for war dues in 1895. This matter has been referred to the Secretary of State and his reply is awaited.

The Venerable and Honourable Member wanted more Administrative Officers to be posted to the Owerri Province, but shortage of staff is preventing that matter at present.

The Honourable the Member for the Cameroons Division referred to the question of land tenure in the Cameroons, particularly in the Victoria Division. The Honourable Member appears to be apprehensive that the land which was allocated during the time of the German occupation will be lost. If the Honourable Member would refer to what is stated under the Native Lands Acquisition Ordinance, which is being applied to the Cameroons, he will, I think, realise that his fears are groundless. Section 4 of that Ordinance reads :--

" It shall be unlawful for any alien or for any person claiming under an alien to occupy any land belonging to a native, unless the right of the alien to occupy or authorise the occupation of the land—

- (a) is evidenced by an instrument which has received the approval of the Governor in writing; or
- (b) was acquired, if the land is situate in that part of the Southern Provinces which in the year 1900 was included in the Protectorate of

Southern Nigeria, before the 1st January, 1900, and in the case of lands situate elsewhere in the Southern Provinces, before the 30th March, 1908; or

(c) is authorised by or under any Ordinance.

Again, section 5 provides that the Court may cause a summons to be issued, and if on the hearing of such summons the court shall find that such alien is occupying the land unlawfully, the court shall order such alien to give up possession of the land, and may enforce such order."

It is intended to hold an enquiry as soon as staff is available into the whole land available in Victoria.

The Honourable Member also said that certain Administrative Officers in the Cameroons recognise a state of slavery. I think there must be some misunderstanding because there is no such thing in Nigeria. It may be that the Honourable Member was referring to the native custom which recognises certain social disabilities among certain classes of people, but I can assure him that there is no state of slavery in the Cameroons and none will ever be recognised.

The Hon. the Attorney-General :

Sir, I would like to refer to a particular matter which was raised by the Honourable the Commercial Member for Lagos. He referred to the Magistrates Courts, Lagos, and mentioned what a waste of time there was by the number of cases which were adjourned. Of my own knowledge, Sir, I am aware there is considerable delay in dealing with cases in those Courts. I know that, Sir, because some of the members of the Legal Department attend those Courts and waste hours there, and under present conditions we cannot afford to waste hours over anything. But I think the great difficulty has been in the handling by the magistrates of the overnight cases. There are large numbers of minor petty cases that come in during the night or since the departure of the magistrate the day before, and, Sir, the Honourable Member will be glad to know that this is a matter that has been brought to the attention of Government. Further that there are in Lagos certain public spirited gentlemen with the necessary training who are prepared to undertake the work of dealing with a lot of these overnight cases, without any question, I understand, of remuneration, but in the interests of the people alone, and Your Excellency has under consideration at this moment the question of appointing these gentlemen as temporary magistrates to assist in removing this particular complaint. Further, Sir, I am glad to know that the Honourable Member feels that way, because the matter has exercised my mind too, not only in connection with this, but generally throughout the whole country. I feel, Sir, that far too many people are kept in custody overnight when they should be allowed to go away, and the Honourable Member, Sir, will see in the Criminal Procedure Bill before him that therein is extensive provision which practically provides that these people shall go free and not be kept in custody unless it is really necessary. In view of the interest of the Honourable Member generally in this matter, and as it is a matter obviously near his heart, I hope, Sir, that when that and the other related Bills come to be read at this meeting he will give me his support and not allow anyone to suggest they be deferred,

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One other thing, Sir, and that is that the Honourable and Learned Member representing the Ibo Division referred to the appointment of Crown Counsel. I would like to inform him, Sir, that the appointment of Crown Counsel does not rest with me, or even with you, Sir, but he is appointed by the Secretary of State. Crown Counsel may be required to go anywhere throughout the Empire, he is not restricted to one place.

Then, Sir, he spoke of emoluments starting at $\pounds400$ after years of practice. That is not quite correct, Sir, because although they do start at that figure in the Estimates, individuals are granted increments based on a certain scale or formula in respect of their number of years practical experience over and above the age of twenty-five. Therefore, Sir, $\pounds400$ is only a figure from which one works, and it is not of necessity to be the salary paid when a Crown Counsel starts.

Sir, one other point connected with that, and that is that the Honourable and Learned Member asked whether it was possible (as I had explained last year the difficulty and responsibility of Crown Counsel's work) to get some of our local barristers into the Legal Department and let them learn the work. Now, Sir, that is the first time since I have been in this country that I have heard a responsible person in public suggest that the mere possession of a particular qualification is not ample to enable the holder to fill a post for which that qualification is required, and I think if that is realised, that the possession of a specified qualification does not of necessity mean a man is fit to fill a particular post, if that is realised by members of this Council and the general public, we will have gone far to remove a lot of dissatisfaction. I do congratulate the Honourable and Learned Member on being sufficiently farsighted to realise that and to state it in public. And, Sir, I would like very much, if he can spare the time, subsequently if he would go into this matter with me personally.

The Hon. the Acting Chief Secretary to the Government :

Your Excellency, a number of Honourable Members have commented, I must say with admirable restraint, on the quantity of Bills before the Council at this meeting, and also on the shortness of notice that has been given in respect of some of them. The Reverend and Honourable Member for Calabar also suggested that a good deal of the pressure at this meeting could have been substantially reduced if we had had a meeting of Council in the Autumn.

To deal with the last point first : it is quite true that a good number of Bills were ready for presentation to Council some months ago, but these Bills were not of such importance and urgency in themselves to justify the holding of a meeting specially to consider them. Moreover Honourable Members, like many other people in these times of strain and stress, have a great many extra calls on their time and energy, and Government was loath to make any extra demands on them or put them to additional inconvenience or to interrupt their occupations without very good and sufficient reasons. Again, Sir, as the Venerable and Honourable Member for Ondo observed yesterday, you yourself have been busily occupied in touring—extensive touring acquainting yourself with people and conditions in all parts of this large Members have given to the Budget and to the Development Plan, and also the tributes which certain Honourable Members have been kind enough to pay to some branches of the Government service. I can assure Honourable Members that their appreciation will be of very great encouragement to the officers concerned.

I should like also to express a personal impression. The atmosphere in which this Budget Debate has been conducted is, in my opinion, a very happy augury for the future friendliness, spirit and understanding and co-operation which, as my Honourable Friend the Second Lagos Member observed yesterday, are essential to the progress which we all desire for Nigeria. The Development Plan is not merely a Government plan; everybody is concerned in it, we are all in it. A plan of this kind and of this magnitude can only be carried through to success on a basis of perfect team work, of mutual understanding, goodwill and co-operation. As far as Government and its servants are concerned, I can assure the House that this principle will be strictly insisted upon, and I have confident hope that all other partners in this big enterprise will reciprocate in like measure.

The Hon. the Financial Secretary :

The Official Members have so effectively defended their own departments, or subjects, that in winding up this Debate I need only deal with comments and criticisms on what are strictly my own functions—finance and personnel questions—and I propose to confine myself to these.

But first I feel I must acknowledge one or two compliments which have actually been paid to me in the course of this Debate. The Venerable and Honourable Member for the Ondo Division was kind enough to thank me and my assistants for having so well prepared this large volume of Estimates : I gratefully acknowledge his thanks, on their behalf and on my own. I am also very grateful to the Honourable Member for the Colony for his kind commendation of our work for the Finance Committee. But I am *much* less grateful to him for his revelation that there is no work in my office. Next time the Honourable Member comes to see me, if he will give me a reasonable amount of notice, I shall arrange to have some files on my table.

Several Honourable Members have complained that the Estimates were not placed in their hands early enough, and these complaints are perfectly justifiable. I am sorry; but although this is the eleventh volume of Estimates for which I have been responsible, or partially responsible, I have never yet succeeded in getting one issued as early as I would wish, and I really almost despair of ever doing so. If I had only to deal with the original estimates sent in by heads of departments I could get the Estimates volume into the hands of Honourable Members a good two months before the Budget session. But during the period after those original estimates have been received, right up to the date on which the Estimates volume is printed, I receive a stream of amendments, additions, applications for more staff, provision for entirely new schemes—all perfectly justifiable, and all supported by the most excellent reasons for their non-inclusion in the original estimates. These I must include in the Estimates volume, and these cause the delay. Let it be understood, Sir, that I am not criticising the heads of departments :

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I realise their difficulties, and I know that all these last minute applications are unavoidable. I am merely defending myself.

If I may turn now to comments on financial matters: the Honourable Member for Port Harcourt is clearly disturbed about our financial position, and has asked me several questions. He has asked me whether we have made any attempt to estimate what our annual deficits will be over the next few years. I know, Sir, that it would be utterly impossible to make any such estimate. I have been trying to estimate for *one* year ahead in various Colonial Budgets for the past ten years, and I know that no estimate of the slightest value could be made of the financial results of the next three or four years. It would be fantastically impossible. I cannot prove this; I can only ask the Honourable Member to accept it as a fact.

The Honourable Member also asked me whether, on the assumption that we are facing insolvency in two or three years' time, this Government has taken any steps to ascertain what assistance, and in what form and on what conditions, would be forthcoming from the Imperial Government in that event. No, Sir, we have not, and I am quite certain that it would be perfectly useless to put such a question to the Imperial Government. For the one thing that the Imperial Government will not do is to undertake an advance to guarantee a Colony's revenue : that is, to undertake in advance to make it an annual grant or loan of whatever amount may be necessary to balance its annual Budgets. I know that, Sir, because I have known one Colony try it on, and fail. There are several very good reasons for this attitude, the most obvious being that it would be asking the British taxpayer to sign a blank cheque. Grants of fixed amounts for specific schemes or works are one thing, but an annual grant or loan of whatever amount may be necessary to balance a Colony's annual Budgets is quite another. I mention these facts, Sir, to show that it would be utterly useless to ask the Imperial Government what assistance they would give us if we became insolvent. The answer would be "Wait and see, when the event comes."

The Honourable Member for Port Harcourt also asked for an estimate of the time that is likely to elapse before the new revenue which we expect to derive from development begins to appear. The plain fact, Sir, is that we don't know, and have no possible means of discovering. It has been admitted, both in Your Excellency's Address and in my introduction of this Bill, that we are taking a risk in allowing our expenditure to rise to such a height; and when the Honourable Member suggests that our attitude is that we don't know what our future annual deficits are going to be, or how soon our expected new revenue will arrive, and that in the meantime we are merely asking this Council to hope for the best—well, I must admit that he is substantially correct. And this I think is inevitable, if the Council accepts our policy of all-round and all-out development; for no man could give the estimates for which the Honourable Member asks. It is simply a question of taking, or not taking, a risk.

Both the Member for Port Harcourt and the Banking Member pointed out that we had made no provision in the estimates for a possible distribution of the profits of the West African Currency Board. But that was not due to negligence or to inadvertence, on the part of myself or my assistants. We have been strictly prohibited by the Secretary of State—and so have all the West African Colonies—from making any such provision in the annual Estimates. We have also been told explicitly to regard all such distributions of profits as "windfalls," and that explains the use of the word that offended the Honourable Members. The Banking Member, being the Currency Agent here, is undoubtedly in a better position than any of us to judge whether a distribution of profits is likely to be made in 1945-46, but whether he is right or wrong, I am afraid we cannot provide for it in the Estimates.

The Second Lagos Member told us some horrifying stories of wasteful expenditure deliberately incurred in order to exhaust votes by the end of the financial year, and he said that he hoped that that sort of thing didn't happen now. Well, so do I. I do hope they don't happen now. But just in case, I can assure heads of departments that there is no need at all for them to follow this immoral procedure in future—if any of them have followed it in the past because I guarantee that the mere fact that a vote has not been fully expended will not necessarily be regarded as a reason for reducing that vote in the next financial year, whatever may have been the practice in the past. If a head of department submits a reasonable explanation, we at this end will endeavour to take a reasonable view of it.

I listened with great interest, and some surprise, to the comments of the Commercial Member for Lagos on our financial policy, as explained in Your Excellency's Address and revealed in these Estimates. I say with some surprise, because he seemed to agree with the Government's policy in all respects, which is not his invariable practice. I find that very gratifying, because I have the greatest respect for the Honourable Member's opinion in such matters. No one who served with him on Finance Committee could fail to have that respect.

I have notes on several other points, Sir, but in view of the lateness of the hour I think I shall deal with only one more—this question of the pay of the Police.

The First Lagos Member demands that the pay of the Police should be increased. But I suggest, Sir, that he has not by any means succeeded in proving that their pay is inadequate. In fact, as it seems to me, he has not even attempted to do so. He had led no evidence to that effect. He has not shown that the Police are suffering any hardships, or that they cannot live in reasonable comfort on their present pay, plus COLA, plus free quarters, and plus free clothing. All that he has done is to point out what we knew already, namely that the Police in the other West African Colonies are better paid than the Nigerian Police. He has also pointed out that the Nigerian Police have very special and important duties, that they have children to educate, and that they are subject to the temptation of bribery and corruption ---facts which do not seem to me to distinguish the Police markedly from any other department, and which have no bearing whatever on the question which the Honourable Member has begged, namely, whether the pay of the Police is adequate or not. Comparisons with the rates of pay in other Colonies are utterly valueless. There may be a dozen different factors, of which the Honourable Member has no knowledge, to account for differences in pay, and to justify them. One of these factors, obviously, is the cost of living.

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In the Gold Coast, for example, the pay of the Police is much higher than in Nigeria : naturally, because the cost of living in the Gold Coast, for Africans of that class, is much higher than in Nigeria. All Gold Coast salaries for the lower ranks of the African staff, not only those of the Police, are higher than the corresponding salaries in Nigeria, and so they ought to be. These inter-colonial comparisons are useless. What we want from the Honourable Member, if we are to accept his case, is some sort of evidence that the Nigerian Police—disregarding the Police in any other Colony and disregarding all other departments—cannot live in reasonable comfort on their present pay *plus* their COLA and other perquisites ; but that is precisely the evidence that he has *not* given us.

We cannot revise the Police rates of pay at present. It is the declared policy of this Government, and of all the West African Governments, to make no alterations in the basic rates of salary during the war, but to meet temporary difficulties caused by the rise in the cost of living by means of temporary measures such as COLA, and to leave the revision of basic salaries to the Salaries Commission which we hope will be appointed immediately after the war. On the strength of that policy scores of applications for increases in salaries have been turned down during the past two years, and that policy must apply to the Police equally as it does to other departments. In the meantime the Police draw COLA; and the rates of COLA in Nigeria are for some reason far higher than those in force in the Gold Coast a fact which the Honourable Member did not stress when he made his comparison between the rates of pay in the two Colonies.

I should not like it to be thought, Sir, that I am contending that there is obviously no case for improvement in the Police rates of pay. I do not contend that at all : that will be a matter for the post-war Salaries Commission to consider. What I do contend is that we have no evidence before us to the effect that the Police, on their present rates of pay *plus* COLA and their other perquisites, cannot live in reasonable comfort until the post-war revision of salaries, for which all other departments will have to wait.

That, Sir, must conclude my comments on the financial and personnel criticisms made in this debate. So far as I am concerned, the main point is that all these criticisms are in matters of detail. All Honourable Members seem agreed as to the general plan of campaign—the bold financial policy explained in Your Excellency's Address, which the Estimates for the coming year reflect.

Bill read a second time.

The Hon. the Financial Secretary :

Sir, I beg leave to move that this Bill be referred to a Select Committee consisting of all members of Finance Committee. I would invite the Committee to hold its first meeting at 10 o'clock tomorrow morning in this Council Chamber.

Bill referred to Select Committee.

Council adjourned at 6.32 p.m. sine die.

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Debates in the Legislative Council of Nigeria

Friday, 16th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10.15 a.m. on Friday, the 16th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor, His Excellency Sir Arthur Richards, G.C.M.G.

- The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, c.m.g. The Chief Commissioner, Northern Provinces,
- His Honour Sir John R. Patterson, K.B.E., C.M.G.
- The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.
- The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.
- The Attorney-General, The Honourable H. C. F. Cox, K.C.
- The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.
- The Honourable G. N. Farquhar, C.M.G., M.C. The Director of Education,

The Honourable R. A. McL. Davidson.

The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.

- The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.
- The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.
- The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.
- The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.
- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.
- The Director of Public Works, The Honourable H. E. Walker, C.B.E.
- The Acting Director of Agriculture, The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G.,

Development Secretary (Extraordinary Member).

The Honourable G. L. Howe,

Solicitor-General (Extraordinary Member). The Honourable N. S. Clouston, O.B.E.,

Commissioner of Lands and Director of Surveys (Extraordinary Member)

The Honourable E. A. Miller,

Commissioner of Labour (Extraordinary Member). The Honourable B. E. Frayling, O.B.E.,

Chief Inspector of Mines (Extraordinary Member).

The Honourable R. J. Hook, D.F.C.,

Commissioner of the Colony (Extraordinary Member).

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member) (Morning only).

UNOFFICIAL MEMBERS

The Member for Calabar,

The Rev. and Honourable O. Effong.

The Member for the Ijebu Division,

Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C. The First Lagos Member.

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos, The Honourable J. F. Winter.

The Second Lagos Member,

The Honourable Ernest Ikoli.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Member for the Ondo Division,

The Ven, and Honourable L. A. Lennon, M.B.E.

The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

The Third Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division,

The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division, The Honourable E. N. Egbuna.

The Member for the Ibibio Division,

The Honourable G. H. H. O'Dwyer. The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

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ABSENT

OFFICIAL MEMBERS

The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E. The Comptroller of Customs and Excise.

The Honourable J. McLagan, O.B.E.

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province, Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The Member for Shipping,

The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 9th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

PAPERS LAID

The Hon. The Attorney-General:

Sir, I beg to lay on the Table Certificates of Urgency in respect of the following seven Bills :---

The Criminal Procedure Ordinance, 1945.

The Criminal Code (Amendment) Ordinance, 1945.

The Children and Young Persons (Amendment) Ordinance, 1945.

The Magistrates' Courts (Amendment) Ordinance, 1945.

The Evidence (Amendment) Ordinance, 1945.

The Magistrates' Courts (Appeals) Ordinance, 1945.

The Sheriffs and Enforcement of Judgments and Orders Ordinance, 1945.

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Native Treasurer Kano

Native Treasurer Katsina

Native Treasurer Sokoto

Native Treasurer Zaria

Headmaster Northern Provinces Law School

Senior Teacher Northern Provinces Law School

(c) Does not arise.

Western Provinces:

(a) Yes, Sir.

(b) One Judge

One Administrative Secretary One Treasurer Egba Native Administration.

One Supervisor of Native Administration Treasuries Native Administrations of Oyo Province.

One Treasurer Ibadan Native Administration.

(c) Does not arise.

The Third Lagos Member (The Hon. E. A. Akerele):

56. (a) Is Government aware that as the result of the splitting of Native Treasuries into small Clan and Village treasuries certain Native Authorities were unable to pay salaries on approved scales and unable to make promotions, thereby keeping employees on the same salaries indefinitely without prospects?

(b) Is it true that on the separation of the Ilaro Divisional Treasury, Ilobi Native Administration, one of the seven new Units, was after a few months of the separation unable to carry on its administration due to lack of necessary funds, and that so soon after the separation had to be federated with Ajilete and Oke-Odan Native Authorities?

(c) Will Government consider putting a stop to decentralisation of Native Administration Institutions?

Answer-

The Hon. the Acting Chief Secretary to the Government:

(a) No such cases have occurred in the Western Provinces.

(b) No. The formation of the Ilobi Group Native Treasury was approved in 1937 and the treasury was opened at the beginning of the financial year, 1938-39. It operated as a single treasury until the 1st of April, 1941, when the Ilobi-Ajilete-Okeodan Federation was formed. The closing of the Ilobi Treasury was due to the spontaneous desire of the Ilobi, Ajilete and Okeodan Native Authorities for administrative and financial federation and was in no way caused by financial difficulties.

(c) Decentralisation of Native Administration Institutions is approved by Government only in cases where Government is satisfied that it is in the best interests of the community, with particular regard to their political education, and where the proposal has the full consent of the Chiefs and people concerned. Mar. 16, 19451

The Third Lagos Member (The Hon. E. A. Akerele):

59. (a) What period of training will qualify a Native Sanitary Inspector to enter Grade I scale i.e. £36; £42-6-72 without being asked to pass a bar test at £36, i.e. a year after passing the final examination of the Training School?

(b) What prospects awaits Native Administration Sanitary Inspectors who passed the Royal Sanitary Institute Examinations?

(c) Is it correct that in the Benin Division a Native Administration Sanitary Inspector who had gained the Royal Sanitary Institute certificate was compelled to serve under a Government Sanitary Inspector who failed to secure a pass at the same examination? If so, what arrangements are being made for the future in order to encourage Native Administration Sanitary Inspectors to aspire to higher qualification?

Answer-

The Hon, the Acting Chief Secretary to the Government:

(a) Salary scales applicable to Native Administration Sanitary Inspectors are,

- (i) In the Northern Provinces:
 - Lower Grade £24-3-30; £36-3-48 Higher Grade £48; £48-6-72
- (ii) In the Eastern and Western Provinces: Grade III £80-8-128
 - IV £48; £48-6-72 V £36-3-48 33
 - ,,

In the Northern Provinces candidates are required to undergo a course of training of 18 months' duration, on the successful completion of which they are appointed to the Lower Grade. Vacancies in the Higher Grade are filled by the promotion of suitable candidates from the Lower Grade. In the Eastern and Western Provinces, candidates, before appointment as Sanitary Inspectors, are required to pass the two years' course of training at the Sanitary School in Lagos and, while undergoing the course, enter the salary scale at £36 and receive the normal increments, subject to favourable reports.

(b) In the Eastern Provinces, a successful candidate in the Examination named is eligible for promotion to Grade III provided he is also successful in the normal promotion Examination to Grade III; in the Northern Provinces, he could expect to be considered for the post of Superintendent of the Health Services maintained by the larger Administrations; and in the Western Provinces his claims to promotion would be improved, subject to satisfactory work and conduct.

(c) Enquiries so far made have not provided material for a definite reply to the first question. The present Government Sanitary Inspector, in Benin, under whose general supervision the Native Administration Sanitary Inspectors work, possesses a Royal Sanitary Institute certificate. The second question is answered by (b) above.

The Third Lagos Member (The Hon. E. A. Akerele):

64. Is it true that the salaries of the staff of Egba Native Administration Printing Department are lower than those of Government employees performing similar duties in the Government and the Railway Printing Departments? If so, what arrangements are being made by the Resident and the Native Authority to revise the salary scales at present approved for the Department?

Answer-

His Honour the Acting Chief Commissioner, Western Provinces:

No. The scales of salaries for Native Administration Printing Staff, recommended by the Dods Committee and approved by Government, are as follows, with the equivalent scales for Government employees:—

Native Administration Office	Native Administration Scales	Government Equivalent
Printers	£80-8-128	Junior Technical Staff, Grade II, £80-8-128.
Technical Staff	£30;£36-6-72	Junior Technical Staff, Grade III, £48; £48; £54-6-72.
Technical Assistants : Grade I	£45-3-66	Technical Assistants, Grade II, £36-6-66.
Technical Assistants : Grade II	£24-3-42]
Sub-scale (no qualifica- tions required).	Not exceeding £24	-

2. The 2nd part of the Question does not arise.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

81. What was the amount of tolls collected from the European merchants and paid into Ibadan public Treasury since its commencement from 3rd of August, 1903 as per the ruling of the then Secretary of States for the Colonies? (Rt. Hon. Joseph Chamberlain). Is the payment made today? If not, why not? Does the payment of this toll represent the tax being paid today to the Central Government by the Merchants instead of Native Administration?

Answer-

The Hon. the Acting Chief Secretary to the Government:

Information as to the amount of tolls collected is not available. Payment on merchandise ceased about 1907 and on liquor in 1918 when direct taxation was introduced. European merchants pay income tax to the Central Government and rates for water and electric light to the Native Authority.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

87. (a) Apropos Question No. 46 of 13th March, 1944, will Government indicate what action has been taken to alleviate the general dissatisfaction among the clerks in the Provincial Administration Department?

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(b) And state in respect of each Department within the last three years: (1) number of staff promoted to First Class or equivalent grade; (2) how many of them stayed 5 years and over on the maximum of £128 per annum; and (3) how many before reaching the maximum?

(c) Will Government be good enough to consider increasing the number of higher clerical posts to 10 Chief Clerks and 20 Assistant Chief Clerks in the Eastern and Western Provinces of the Provincial Administration Department to compare in ratio with First Class grade in most Departments, that is, 1:2:7.

Answer-

The Hon. the Acting Chief Secretary to the Government:

(a) Assuming that the Honourable Member refers to the question of improving the ratio of senior to junior clerical posts in the Provincial Administration, the matter has been carefully examined by Chief Commissioners. It has been decided that no general revision should be undertaken until the establishment and organisation of the clerical service as a whole can be considered.

(b)		E.P.	N.P.	W.P.	Total
• •	(1)	20	12	16	48
	(1) (2) (3)	17	4	16	37
	(3)				

(c) See (a) above.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

98. To ask Government:

(a) For the number of people killed by leopards in the Ibibio country with particular reference to places like Ikot Akpan, Ikparakwa and the surrounding villages in Opobo Division?

(b) Were they mostly females?

(c) If so, were they young prospective brides?

(d) Is there any truth in the wild rumour going round that these leopards are human leopards?

(e) Were any post-mortem examinations held?

(f) What were the findings of the doctor?

(g) Has Government taken any action to investigate into the matter?

(h) If not, why not?

Answer-

The Hon. the Acting Chief Secretary to the Government :

(a) Five persons were killed in Abak Division, two in Eket Division and ten in Opobo Division.

(b) The number of women killed were two in Abak, two in Eket and seven in Opobo.

(c) Five of the women in Opobo were prospective brides.

(d) No, sir.

(e) In Abak four post mortem examinations were held; in Eket none (the bodies having been devoured); in Opobo there was a post mortem examination of all bodies. (f) Death in all cases was due to wounds probably inflicted by wild animals.

(g) Investigations are continuing; Native Authorities have been instructed to report all attacks and to send in bodies but have not always done so. It is believed that the attacks in Opobo were made by old leopards no longer capable of hunting animals for their food.

(h) Does not arise.

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

106. (a) Is it a fact that most of the Town and Village Heads in the Western Provinces of Nigeria in return for their services do not receive, either from the Native Authority concerned or from Nigeria Government, any salary except a small percentage representing a sort of commission for Tribute Tax collected in their village or township?

(b) Apart from their duties in collecting taxes and the commission received thereof, what form of remuneration is made for the services of a townhead in carrying out other duties such as seeing to the welfare and the peaceful administration of his town and carrying out myriads of instructions emanating from administrative officers?

(c) If no other remuneration is given outside the commission paid for collecting Tribute Tax, etc., would Government not consider the advisability of compensating in an appreciable manner, these townheads whose responsibility it is to manage or administer a village or township.

Answer-

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The Hon, the Acting Chief Secretary to the Government :

(a) Many town and village heads in the Western Provinces receive substantial salaries personal to themselves. Others receive salaries based on a percentage of the tax collected in the unit concerned. All these salaries are paid from Native Administration funds.

(b) Such salaries are remuneration for all administration duties, including tax collection.

(c) Does not arise.

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

110. Since the opening of the offices of the Food Control Departments in Lagos I should like to have the following information :--

(a) The cost of that Office in salaries, passages, allowances, and Rents to the country up to March, 1944?

(b) Total number of African men and women (showing each separately) that have been convicted and imprisoned as a result of price profiteering?

(c) Total number of African men, women, and European, who have been convicted and fined?

(d) What is the total of fines collected to the end of 1944, and what has been done with the money?

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(e) As the money was paid in connection with offences pertaining to War regulations and Bye-Laws, would Government not consider the advisability of passing the whole amount so collected into one or other of the public charitable institutions under the control or supervision of the Nigerian Social Welfare Officer, or such institution as the Green Triangle Hostel, in order that the public in general may benefit therefrom?

Answer-

The Hon. the Financial Secretary :

(a) The cost of salaries in the Lagos Food Office from its inception up to the end of March, 1944, was £564 198 0d. No cost to Government was incurred in respect of passages or allowances other than COLA, nor in the payment of rent.

(b) 35 African men, 50 African women.

(c) 52 African men, 69 African women, 7 European men.

(d) $\pounds 2,111$ 14s 3d. The money was paid into the general revenue of Nigeria.

(e) No, Sir. It is not the practice to deal with the revenue of the country in the manner suggested. Grants from general revenue are made to such public charitable institutions and Welfare institutions as are thought to deserve assistance from public funds.

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

124. To ask the Honourable the Director of Agriculture whether his Department had at any time undertaken scientific investigation into the economics of the Cocoa Industry in Nigeria with a view to determining the cost of production of this commodity?

If the reply is in the affirmative can the Director state what is the cost of producing one ton of Cocoa based on the result of such investigation and a statement showing how the figure was arrived at?

Answer-

The Hon. the Acting Director of Agriculture:

A survey on the yields and costs of production in native cacao farms was initiated in 1936 by Agricultural Officers in the Colony and in Abeokuta, Benin and Oyo Provinces. The results obtained were widely conflicting because no cacao farmer is willing to disclose his true yields and costs.

In due course information will be available from the Department's cacao farms, but these were begun in 1934 and are only just coming into full bearing. No accurate figure can be given under present day conditions.

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

134. How many murder cases in the Northern Provinces of Nigeria and in the Protectorate Courts have been conducted from 1st January, 1941 to December, 1944 without being defended by Counsel? Answer-

The Hon. the Acting Chief Secretary to the Government:

161 murder cases were disposed of in the Northern Provinces by the High Court during the period in question. In 139 cases the accused were not defended by counsel.

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

141. To ask the Honourable the Chief Commissioner, Eastern Provinces:-

Has it been estimated what it would cost Government to buy off the manilla currency from the Eastern Provinces?

Answer-

The Hon. the Financial Secretary :

No, Sir.

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

(a) What was the number of deaths and casualties from the epidemic of smallpox in the Ijaw, Ogbeyan and Epie-Atisa clans during 1942-1943?

(b) What precaution has been taken to prevent a recurrence of the high death rate resulting from the epidemic? How many vaccinators are there?

(c) Is it known that there are alarming number of lepers in this area particularly in the Ogbeyan Clan and that a clinic, if not a settlement, is an urgent need?

(d) Whether in view of congestion in the African Hospital at Port Harcourt and regard for respectable Africans Government would not append private wards to existing wards as at Calabar Hospital?

Answer-

The Hon. the Director of Medical Services:

(a) It is understood that communities of the clans mentioned are spread over parts of Warri and Owerri provinces and in the Opobo area. The incidence of smallpox reported from these parts of Nigeria during the respective 52-weeks period of 1942 and 1943 was as follows:—

Locality	1942		1943				
	Cases	Deaths	Cases	Deaths			
Warri	75	16	_	_			
Forcados. Burutu	4	1		_			
rest of Warri Province							
Degema. Abonema	17	2	2				
Port Harcourt	3	_	6	2			
rest of Owerri Province	220	48	176	27 .			
Opobo	145	24	38	4			
Percende de net abort incidence be alan							

Records do not show incidence by clan.

(b) Isolation and treatment of smallpox cases and vaccination of the people. To perform vaccinations, there are eight sanitary

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inspectors and three vaccinators working amongst the Eastern Ijaws and five sanitary inspectors with four vaccinators amongst the Western Ijaws.

(c) It is known that leprosy incidence is high in many parts of Owerri and Warri provinces. New settlements with surrounding clinics for these two provinces are included in the five-year plan prepared under the Colonial Development and Welfare Scheme.

(d) A town planning adviser is preparing new layout proposals for Port Harcourt and these will allow ground for extension of the African Hospital. The provision of private wards can then be considered.

MOTION

The Hon. the Financial Secretary :

I beg, Sir, to move the Resolution standing in my name in the Order of the Day, namely:

"The Customs Tariff (Flour, Sugar and Cotton Piece Goods) Resolution and Order, 1945."

The first part of this Resolution seeks to confirm certain minor alterations in the import duties on cotton piece goods effected by Order in Council a few days ago. Briefly, Sir, these changes are that Madras handkerchief cloth, whether real or imitation, will no longer be subject to the special duty of 31d a square yard but will be rated for duty, as it is and always has been for statistical purposes, as coloured cotton. The reason for the alteration is that it has been found impossible in practice to arrive at a satisfactory working definition of an imitation Madras or to agree in what respect it differs from an ordinary check or a stripe. The loss involved in removing the special duty on Madras is approximately £39,000 a year, and, as we can ill afford to lose such an amount these days, it is proposed to make up the deficiency by increasing the duty on dyed, coloured and printed cottons by a 1d a square yard. By this means the increase will be spread most equitably over the types of cottons that can best stand it. Honourable Members will be glad to learn that the Comptroller of Customs and Excise has good reason to believe that this will not mean an increase in the price of dyed, coloured or printed cottons to the consumer.

Sub-paragraphs (b) and (c) of paragraph 2, as also subparagraphs (b) and (c) of paragraphs 3 (2) of the Resolution merely confirm the remission of the import duty on flour and sugar introduced by Order in Council last October. Sub-paragraph (a)of paragraph 3 of the Resolution substitutes a new item 6A for the present item 45 in the Free List. The new item is merely a redraft of the old one designed to make it perfectly clear that we subscribe to the generally accepted practice to allow Consular officers the same Tariff concessions as their Governments give. It will be noted that the personal privileges are confined to Consular officers de Carrière,

Nigeria Legislative

I move, Sir, that the Resolution and Order be deemed to have effect as from to-day's date.

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Resolution adopted.

BILLS

(First Readings.)

THE WAR PENSIONS (AMENDMENT) ORDINANCE, 1945 The Hon. the Financial Secretary :

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

"An Ordinance to amend the War Pensions Ordinance, 1943."

The object of this Bill is simply to bring our Nigerian War Pensions Ordinance into line with similar legislation in the United Kingdom and the other West African Colonies, and I do not think it requires any further explanation.

In Committee I shall move an amendment, or rather an addition, to clause 3 of the Bill, which I shall explain when the time comes.

Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE CRIMINAL PROCEDURE ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I rise to move the first reading of the first Bill standing in my name in the Order of the Day, namely : ---

"An Ordinance to make provision for the procedure to be followed in Criminal Cases in the Supreme and Magistrates' Courts."

This is one of the seven connected Bills in respect of which Certificates of Urgency has been laid this morning. In speaking on this particular Bill, Sir, I will of necessity have to cover a certain amount of the ground to which the other Bills relate and I trust therefore, Sir, that I will be granted indulgence if sometimes in speaking on this Bill I stray into one of the others. I have, Sir, been threatened with dire consequences if I speak for more than ten minutes. I would like to say there are nine Bills in all and therefore it will take some little time to deal with them.

Well, Sir, this is one of the Bills that Honourable Members have not had a very great deal of time to consider and I feel, therefore, they will wish to know why this Bill is brought before this Council and to a certain extent why at this particular time. I think it is fair for me to assume that Honourable Members must be aware that the conduct of criminal cases throughout Nigeria is to a great

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extent the responsibility of the Attorney-General, and as such, Sir, the Attorney-General is obliged whenever he finds serious defects in the Criminal Law or Criminal Procedure to recommend that they be remedied. In other cases requests come to Government for amendment of the Criminal Law as a result of actual cases decided in the Courts. Sir, this bunch of Bills before the Council are all inter-related and they are all also connected with the Judicial Reform Bills which were passed by this Council in 1943, and to certain others which are actually pending before the Council. The first readings having already been taken, namely, the Magistrates' Civil Procedure Ordinance, 1945, and the Recovery of Premises Ordinance, 1945. When moving the first reading of those two Bills I said I proposed to ask at a later stage that they be referred to a Select Committee. I also propose, Sir, to ask that these Bills also be referred to a Select Committee and Your Excellency has authorised me to inform the Council that if that is agreed to you propose to appoint a Select Committee consisting first of all of legal Members of this Council, who will deal with the technical part and also non-legal members who should add commonsense to the Committee. Your Excellency has authorised me to state the members you propose to appoint to the Committee. They are the First Lagos Member, Alhaji the Honourable Jibril Martin, and the Honourable Mr Egbuna, Ibo Division; the two other legal members will be my colleague and myself and the two non-legal members whom it is hoped will bring a certain amount of commonsense to the law are the Ven. and Hon. Archdeacon Lennon and Captain the Honourable E. W. Thompstone, Senior Resident, Bornu. I mentioned that now, Sir, so that Members will have an idea of what the procedure is to be and perhaps those particular Members to be appointed will pay more attention than they might otherwise do now that they know additional responsibility is being attached to them. Well, Sir, it is the Attorney-General's duty to bring these various matters forward and I think I can say, Sir, that I have had a good deal of experience of this and other countries as Solicitor-General and Attorney-General for several years. I hope Members of the Council will forgive me when I say that the Criminal Legislation in Nigeria is the worst of any country in which I have served. I must also ask you to excuse me if I use the first person as often as I will do but it is the simplest way in which I can really illustrate the need for this legislation. When I had to appear on the first occasion in the Supreme Court in Nigeria at the Assizes in Lagos the first thing that I wanted to find out as Solicitor-General was the authority for the Solicitor-General appearing in that Court. As far as I could see I had no authority at all, nor had the Attorney-General, nor, Sir, had any Members of the legal department. That practice had gone on for such a long time, the slap-dash procedure of "what was good enough for the last ten years is good enough for today " no body had really looked further afield. I think that private

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practitioners had forgotten the lot of the elementary principles learnt when they were students and that that point had never been raised. I am satisfied, Sir, that if the question had been raised I would not have had an answer and would have had to leave the Court. Well, Sir, I tried unsuccessfully to get that corrected at the time but when I was appointed Attorney-General that was one of the first things I put right. Now, Sir, I mention that as an illustration of the way things can slide and so, Sir, our Criminal Legislation and Procedure in the Courts has been sliding for years and it will continue to slide until something is really done to bring it up-to-date and to bring before the public and the Courts the knowledge of what the Courts can do and should do. Our Criminal Procedure is based on English criminal procedure but so much of the practice and procedure in England is not statute but case law, that is to say the practice and procedure has grown up over a long term of years and has been given the force of law by the decisions of the highest tribunals. Now, Sir, those decisions regulating practice and procedure are well-known there in the Courts and they also, Sir, were well-known to all Members of the local Bar when they were students. But we find the position out here, Sir, is that our Criminal Procedure Ordinance did not reproduce to any great extent any of these case law decisions and as far as I can see the practice has gradually been narrowed down and narrowed down until we reach a stage when the Criminal procedure in our Courts, practically the whole of it-is bounded by the four walls of the Criminal Procedure Ordinance. Sir, as I said, I found that in this respect this really is the worst of any country in which I have served and as Attorney-General I naturally tried to do all that I could to improve matters and then eventually extensive judicial reforms were approved in principle in 1937. They were under way when war occurred and have been kept in abeyance until now. We got through approximately half the legislation in March, 1943, and so this is the remainder. I have given this preliminary survey, Sir, to try and explain to Honourable Members the great urgency there is and the great need for this Legislation. I know, Sir, bulk does not mean everything. Bulk in legislation might be quite unnecessary, it might even be a handicap, but where that bulk consists of setting out the detailed procedure and practice of our Courts, informing the public that this is what they can do, what they should do, well then, Sir, I consider it is an advantage to have it and it may be of interest to this Council to know that at the present moment the whole of our Criminal Procedure legislation which deals with criminal procedure, appeals, trial by jury, selection of jury and all that procedure, comes within the relatively narrow limits just over 300 sections, some of them extremely small. The legislation now before this Council, Sir, and the legislation that has already been passed by this Council is in the vicinity of I mention that, Sir, because it is not mere 1,200 sections. padding, it is actually definite authority to the Courts and definite

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information to the public as to what rights they have, and how they should exercise them. Well, Sir, I know it is extremely annoying in one country to have other countries quoted to you but when one has had successful experience of the working of legislation in other countries where conditions are similar to that in which one is one is naturally feel inclined to say "Well let us use that here because I know it works " and that really was the basis on which this legislation was originally drafted. I am going to mention the other country, a country in which I learnt my groundwork, and that country is British Guinea. Their legislation as long ago as 1893 was of the highest possible quality. It will surprise Honourable Members to know, Sir, that in their Criminal Procedure legislation relating to indictable offences there were provisions which actual anticipated the Imperial Indictment Act of 1917-the present legislation we work on here now was to a great extent anticipated there in 1893! In 1916 in the Civil Code they anticipated some of the Birkenhead reforms of 1926 and only recently my attention was drawn, by one of my Crown Counsel, doing research work for me, to another remarkable example and that is a particular section which was enacted there in 1893 and which was based on the Imperial County Courts Act of 1888. Five years after the enactment of the Imperial Act the draftsman in British Guinea had changed the language of the English section. That by itself means nothing Sir, but when the County Courts Act of 1934 was enacted the language used in England was the language anticipated, word for word, in the British Guinea section of 1893. I mentioned that, Sir, because it does show the extremely high standard of legislative ability amongst those responsible there in those long years ago, and, Sir, their principles On those principles I started working but then are sound. this matter grew and grew until there is incorporated in the legislation now before the Council all matters which are considered most useful and which have been adopted and used in other parts of the world. It is no longer restricted to its original source. Up to the present, Sir, I have spoken of general principles and I think that Honourable Members are entitled to have their attention drawn to certain specific matters in this big Bill before them and I will deal with them in some detail because one or two of them have struck ground, which while not new at all, is so new to Nigeria that in discussing them with some of my friends and members of the Bar they have seemed surprised that such provisions exist anywhere, and I think therefore. Sir, that this Council should be informed by me of these particular provisions when we come to them. I would like Council to rest absolutely assured that there is not a single thing in this Bill which is not settled practice and procedure as the result of experience in Courts in some part of the world. I give that assurance because I would like Members to know,

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If Honourable Members will look at the first few pages of the . Bill they will find set out a table of contents which deals with arrangements of Parts and Sections. Some idea of the scope of the Bill will be found in the fact that the table covers eighteen pages, eleven Chapters and fifty Parts, and I propose to invite particular attention to the most important clauses which may be considered as striking new ground. The first provision to which I would like your attention is clause 2. These are only definitions and I do not want to delay Members much about that, but I would like them to realize that we have had to make special provision here to apply our procedure in respect of what is described in other countries as "summary" or "indictable " offences. Normally a summary conviction offence is one which is dealt with by a Magistrate and carries restrictive penalties. But in Nigeria Magistrates have such extended powers and, further, they can deal with an accused who is normally beyond their jurisdiction once the accused agrees to be tried by them, but in such cases the penalty imposed must not exceed the magistrates own personal jurisdiction. We have therefore had to make special provision for that and the special provision will be found in the three definitions "Summary Trial", "Summary Court" and "Summary Conviction Offence ". Summary Court means unless the same is expressly or by necessary implication qualified :--

- (a) a judge of the Supreme Court when sitting in court and presiding over a summary trial, and
- (b) any magistrate when sitting in open court to hear and determine any matters within his power and jurisdiction either under the provisions of this Ordinance or any other written law, and such judge when so sitting and presiding and such magistrate when so sitting as aforesaid shall be deemed to be a 'court' or 'summary court' within the meaning of the Ordinance.

Sir, we have had to do that because our Judges exercise the same summary powers as do Magistrates. In other words they deal with cases which have not of necessity been committed for trial after investigation by a magistrate.

Then you will see a "summary trial" is a trial by a Magistrate or a trial by a Judge in which the accused has not been committed for trial after a preliminary inquiry. Sir, after an accused has been committed on a preliminary inquiry the procedure changes and an information is laid against him and that is dealt with in a separate part of the Bill but what I am trying to emphasize at present is, we have had to legislate for this procedure in this way, because of the overlapping of our Courts as far as criminal cases are concerned, or rather the overlapping of the jurisdiction and practice of our Courts in that Judges do deal with cases summarily: in other words without their being previously committed for trial.

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In connection with that, Sir, I would invite attention to the definition of "charge", the second definition, that means the statement of offence or statement of offences with which an accused is charged in a summary trial before a Court. That, Sir, draws the distinction between a " Charge " and later on in the definitions an "Information." So we have now got a clear indication of the method on which the Bill is constructed. We have got our "charges" which are all summary. We have got our " informations " which are filed after committal for trial. They are the two main procedures under which the Courts will operate. We have also defined an " infant," a " child," a " young person," an "adult" and a "juvenile offender" and, Sir, great care has been taken in these definitions to make it easy for the Courts to ascertain the age of the individual by saying that the individual " has not attained the age of " so and so. It is quite clear a person who has not attained the age of 20-i.e. who has not had the twentieth anniversary of his birthday—is not 20 years old, and therefore these have been very carefully defined to make it quite simple for the Courts and make it clear as to what exactly is meant in these definitions. Honourable Members may not appreciate, Sir, that an "infant" i.e. an individual up to the age of 7 is in law incapable of committing a crime and therefore this definition is used to remove an infant from the criminal law.

A child goes from 7 to 14. Then a young person from 14 to 17. An adult from 17 upwards but the "juvenile offender," of course, will have to be somebody who can commit an offence and therefore cannot be an infant but must not have attained the age of 17. Therefore a juvenile offender will extend from the age of 7 to 17. I mentioned these, Sir, because Honourable Members will appreciate this part of the structure of the Bill if they get these important essentials in their mind first.

I can now pass on and deal with matters of general interest and the first thing to which I would like to draw attention is Part II in which for the first time there have been collected all the provisions dealing with arrests, either generally, or without warrant, or with a warrant, and also the procedure which will apply to persons who are arrested. Clauses 17, 18, 19, and 20 are important because they inform the Police definitely that a person is not to be kept in custody unless it is essential. I referred to this the other day and I hope, Sir, that when this becomes part of our Statutes that hundreds of individuals who at present normally spend nights in custody will be allowed to go, on their own recognisances if necessary, under the provisions of this new Statute. Then clause 26 provides-I suggest that Honourable Members can best follow me by looking at the table of contents-that warrants may be directed to Members of Native Authority Police Forces. Sir, two years ago we passed a Native Authority Ordinance and in that there was a special part relating to Native Authority Police

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Forces and providing that they will have the same position as the ordinary Nigeria Police in all legislation except, naturally, that relating to the constitution of the Nigeria Police Force itself. Well, Sir, here we have put quite clearly that warrants may be directed to Members of the Native Authority Police Forces either generally or specifically or any combination of them. This brings these officers, Sir, into their proper place in the structure of criminal procedure in this country. Clauses 30 and 31 are clauses which I hope will prove of the greatest assistance. The former provides that where a Magistrate issues a warrant for the arrest of an individual he should, wherever practicable, endorse on that warrant the amount of the bail required. That means that the moment a man is arrested on a warrant upon which the bail required has been endorsed, he is entitled to be released on bail if he can produce satisfactory security for the amount specified. There are, of course, exceptional cases where Magistrates will not grant this but I hope, Sir. Magistrates will bear in mind the liberty of the subject and will make use of this particular section.

The next clause, Sir, 31 provides and deals with the admission to bail of persons who are arrested in parts of the country other than that of the territorial jurisdiction of the officer issuing the warrant.

Part IV deals with the prevention of offences a very important matter of criminal procedure legislation which so far has been very much neglected here and which I hope will be of great use to the Courts. I do not think I need refer to it in detail except as an example of how wide are the provisions of this Bill.

I now refer to clause 48 which while a matter of recognised practice elsewhere is not generally known here, but it gives the Court definite statutory authority to refuse to accept sureties unless they are satisfied that the sureties are satisfactory.

We now come to the right of instituting criminal proceedings in the Courts in Part VIII and the first thing I want to invite attention to is the fact that it is anybody's right to go to the Court and ask for redress unless the statute creating an offence provides that complaints can only be laid by certain persons and that is not frequently done. It is now laid down quite clearly that normally any individual has got the right to go to the Courts for redress and I hope that they will make use of that right and not always expect the Police to go and intervene in small matters which are really private quarrels.

Sir, I see that I am trespassing on the ten minutes that I referred to so I will proceed a bit quicker.

Part X deals with Crown Procedure and the powers of the Attorney-General in criminal cases. That is very similar to the existing legislation but clause 75 is new in one respect and that is that it does give the Attorney-General authority to intervene in cases in which the Crown is not interested and stop that case before

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a Magistrate. The reason being there is no use wasting everybody's time if the Attorney-General can exercise that authority at a later stage. This is new to Nigeria but not to other places.

I invite attention to clause 100 at the foot of page 4. That provides that persons in certain cases who plead guilty in writing or through a legal practitioner need not themselves appear in Court unless the Court desires. It is limited to matters in which only fines not exceeding £50 can be imposed or a sentence up to six months or both and covers general subsidiary legislation. The provisions relating to process are well known but clause 103 has been inserted so as to assist the Courts in knowing the fact that if the person issuing process ceases to hold that office or dies that fact does not invalidate that particular document. It is existing practice but not generally known here.

I turn now, Sir, to Part XIV—provisions as to bail and recognisances generally—and I think, Sir, that a glance down these clauses will show that the whole procedure affecting bail has been set out in detail—when it can be granted, and when not and the fact that people must be informed of their right to bail. I invite attention to clause 120 which provides in the text that in fixing bail the Court must take into account all the circumstances and must not fix excessive bail. Likewise clause 121 resolves a difficulty, the Courts have been up against what happens when a minor is admitted to bail. It is now laid down quite clearly that he will not sign the bond but that it will be executed by someone of age on his behalf. Then clause 126 is important because it enables recognisances to be entered into before a large number of persons before any of the persons mentioned in that clause.

Part XVIII, Sir, deals with the charge and sets out the particulars to be included in charges, how they must be framed, what types of offences can be joined together and when persons can be joined. I must draw attention quickly to Section 155 which shows which persons may be jointly charged, Section 156 which requires that for different offences separate charges must be made. Clause 157 which is new to Nigeria and provides that when a person is accused of more than one offence committed within twelve months, he can be charged for as many as three of them and at the same time. The important thing about this is that instead of overburdening the Courts and the Juries with a number of cases of the same nature, the prosecution is limited only to three in the year. It simplifies Criminal Procedure, makes it simpler for the Court, the Jury and everybody. That however does not prevent the admission of evidence, if that evidence is admissible, so as to prove that the act charged was not just an error, but that it was an actual system under which the person charged was working.

Clause 161, Sir, provides that where it is doubtful which type of offence has been committed, the man can be charged with having committed all such offences or a number of them. I must emphasise that none of these provisions is original law, they exist in most countries but our legislation has been all but silent on this subject. As an example of our legislation being silent, I will draw attention to clauses 169-170—where full offences charged and the attempt was proved, the person can be convicted of the attempt: and where the attempt is charged, Sir, and the full offence proved the offender can still be convicted of the attempt. Now, Sir, clause 170 is new to Nigeria, and I think it is very important and essential. Only recently there was the case of a man charged with attempting to commit a serious offence and the prosecution proved the full offence. The Court decided in the absence of a section such as 170 that he should be acquitted of everything. That is an example of where the Court of Appeal pointed out that our legislation was defective.

Then, Sir, I draw attention to clause 180, that is, where several charges are pending against an accused and he is convicted of any one of them, the remaining charges may be withdrawn with the consent of the court. I want to draw attention to the following words in that clause and would ask Honourable Members to look at sub-clause (2) of clause 180—it is on page 676:—

"Such withdrawal shall have effect of an acquittal on such "charge or charges unless the conviction which has been had "is set aside in which case subject to any order of the court "setting aside such conviction, the court before which the "withdrawal was made may, on the request of the prosecutor,

" proceed upon the charge or charges so withdrawn."

I refer to the word "acquittal". The effect of that is that where a man has been convicted of a charge and others are withdrawn he is "acquitted" of those other charges provided that if the conviction is set aside those charges can nevertheless be proceeded with.

I now come to a very important part-Part XIX-dealing with previous acquittals or convictions. This is one of the parts to which I must refer; the whole part is only four or five clauses, but I will draw attention to clause 185, and I particularly ask my Honourable and learned friends to listen to it. "The dismissal of a complaint or the discharge of an accused is not an acquittal for the purpose of sections 181-184." That appears on the face of it to say that where a complaint has been dismissed or an accused discharged after being tried, that does not of necessity mean finality: and in certain cases that it is exactly what it does mean. It may strike Honourable Members as an innovation that a man can be charged twice for the same offence. We all recognise and know the principle of law that a man cannot be charged twice for the same offence and while that is true it does present difficulties in application. We forget that it is in some respects only a catch phrase and that there are a thousand and one cases where a man can be charged again on the same facts: This is one of the matters of which I have spoken to legal practitioners and I am

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quite satisfied, owing to the fact that they have for so many years confined their thoughts and practice to our own Criminal Procedure Ordinance, that they have forgotten a lot of what they learnt as students. So, in connection with this, I wish to refer at once to three other clauses further on.

Clause 286 reads :---

"If at the close of the evidence in support of the charge "it appears to the court that a case is not made out against "the defendant sufficiently to require him make a defence "the court shall, as to that particular charge, discharge him."

I want Honourable Members to appreciate that the word "discharge" does not mean "acquit"—it does not mean the same thing; a discharge is not of necessity an acquittal. I will come to that again.

Turning over to page 708, clause 287 reads :---

"At the close of the evidence in support of the charge "if it appears to the court that a *prima facie* case is made "out against the defendant sufficiently to require him to "make a defence the court shall call upon him for his "defence—"

See the difference there—he may be discharged before he is called upon for his defence. If he is discharged, what happens? This clause does not settle that it deals with the procedure in court if the accused is called on for a defence. Further on, there is clause 299 which states:—

"Upon the conclusion of the hearing the court shall "either at the same or at an adjourned sitting give its decision "on the case either by dismissing or convicting the accused "and may make such order as may seem just."

Now, Sir, that is that I want to draw attention to: there is "discharge", there is "dismissal", there is "acquittal" and there is "conviction". Discharge is not of necessity a dismissal. That has been completely lost sight of in this country and I am quite certain that my Honourable and learned friends in the last few years have forgotten a lot of what they learnt as students. This subject is also connected with clause 301 which reads:—

- (1) "Where a complaint is dismissed and such dismissal is "stated to be on the merits such dismissal shall have the "same effect as an acquittal."
- (2) "Where a complaint is dismissed without a statement
 "that it is dismissed on the merits or with a statement
 "that it is dismissed without prejudice such dismissal
 "shall not have the same effect as an acquittal."

So, this has been put in this Bill in language which is reasonably clear and I think it may be a shock to many to know that those provisions actually exist, and it may be asked why this has not been on the Statute Book long before now. I want Honourable Members of the Council to realise these principles, because it is their responsibility in passing legislation in this Legislative Council.

The Imperial legislation on this matter is different to ours and in fact to most colonial legislation. The Imperial Acts require that when the Justices have dismissed a complaint or information they may, if required, make out an order of dismissal and give the accused person a certificate thereof. If the accused gets the certificate that is a bar to future action but if he does not, the case can be brought again and the onus is then on him of proving that the dismissal was a final determination and thus a bar to further action.

Colonial legislatures which are of more modern growth than the Imperial Parliament, have put this matter on their statute books in a simpler form as we now propose to do and in this respect we are only following certain of the existing provisions in the Gold Coast. Section 159 of the Gold Coast Criminal Procedure Ordinance touches on the same point and the language used therein is identical with our clause 286, namely,

"If at the close of the evidence in support of the charge, it appears to the court that a case is not made out against the accused person sufficiently to require him to make a defence, the court shall, as to that particular charge, discharge him."

while their section 163 is as follows :---

I draw attention to these sections because it shows that in the Gold Coast they recognise the difference between "discharge", "acquittal" and "conviction". So, too, we have previously in Nigeria recognised this difference but that fact has been overlooked by the members of the legal profession when applying, or by failing to apply, their minds to this particular point. Section 172 (1) of the Criminal Procedure Ordinance, as enacted by Ordinance 48. of 1933, refers to this difference and is as follows:—

"172. (1) The Court of Appeal may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may: —

(a) in an appeal from a conviction-

(i) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried

by a court of competent jurisdiction, or.....,".

I have shown my learned friends the difference in those words in that section, it has surprised them and they have tried to suggest

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that the word " acquit " and " discharge " mean the same thing but that of course is not so and I can only assume that they have not applied their minds correctly to the meaning of these words. I feel I have satisfied the Honourable Members by reference to the Gold Coast legislation that there is a definite difference between those words. Moreover the fact that "discharge" does not mean an acquittal and a bar to subsequent proceedings appears in English statute law and I will read a short passage from Stone's Justices Manual in regard to a man being charged twice under the Game Act, 1831. In that case the accused was charged with trespassing in the pursuit of game and acquitted but when charged with a different offence and identical facts were proved in evidence he pleaded his former acquittal and the Justices held this to be a bar. The case was taken to appeal and it was held that the Justices were wrong in holding the previous dismissal to be a bar to further proceedings. The passage in question is as follows :---

"If an information or complaint be dismissed, the justice may, if required, make an order of dismissal, and give the defendant a certificate thereof, the production of which will be a bar to any subsequent information or complaint for the same matter against the same party. The certificate supersedes the necessity for other proof, but if such certificate is not produced, it will be for the defendant to prove by other evidence, not only that the former information was for the same matter with which he is charged a second time, but that it was dismissed upon the merits, and the decision was intended to be final. If this be done, the plea of autrefois acquit will, it is conceived, be available in like manner as in indictments."

Honourable Members will notice there that the dismissal had got to be on the merits and meant to be final moreover it is up to the accused to arm himself with the certificate, or in the alternative subsequently supply the necessary proof that the court meant the dismissal to be one on the merits and final. Let us read on further—

"If an information or complaint is dismissed for want of form, or from a mistaken view of jurisdiction, and without any adjudication on the merits, a second information or complaint may be laid, and the plea of autrefois acquit will not avail. So where a statute required an information be laid by a peace officer, and an information laid by a person who was not such an officer dismissed, the defendant was rightly convicted under a second information made by a peace officer."

Well, Sir, I have gone into this at some length because I discussed the matter with certain members of the Bar and they were horrified at what I said, but I am sure that they must have forgotten a lot of what they learnt when they were in their students' days. I mention this because as I have stated we all understand that a person cannot be charged twice for the same offence; that it is an established rule of the Common Law that a man may not be put twice on own peril for the same offence, but let us now read a different work :---

"An acquittal on an indictment for the felony of unlaw-"fully and maliciously putting across any railway anything "with intent to obstruct any engine using such railway, is no "bar to a subsequent indictment upon the same facts, for the "misdemeanour of unlawfully obstructing an engine using a "railway.

"And where a conviction for unlawful carnal knowledge "of a girl was quashed in a case where serious injuries were "also inflicted upon her, a plea of autrefois acquit to a "subsequent charge of feloniously wounding was held to be "bad as the charges were entirely distinct. So also an "acquittal of sodomy is not a bar to an indictment for gross "indecency as there are essential elements in the former charge "which are not essential in the latter. Nor is an acquittal "of conspiracy to do an act a bar to an indictment for aiding "and abetting the commission of the same act. Nor are the "offences under section 3 of the Betting Act, 1853, and under "section 79, sub-section 1 of the Licensing (Consolidation) "Act, 1910, so identical that an acquittal on the former charge "may be a bar to a prosecution for the latter."

Sir, that appears in the text of one of the most authoritative criminal law text books Archibold's Criminal Pleading and Practice. I hope the Council will feel justified in passing this legislation, but it really is just ordinary law; I know it comes as a shock to certain people, but for that reason I have put it so clearly that even the blind can read.

Well, Sir, I have really covered the most important portions in the Bill, but I will just run over one or two other groups of matters so as to draw the attention of the Honourable Members to them.

Perjury.—We all know that Magistrates at present can summarily convict for perjury committed before them. Our proposed law will be different; it will provide that a Magistrate may not sentence a man for perjury summarily without referring the matter to a higher authority for confirmation. That is a safeguard for the subject and will be found in Part XXXI.

In Chapter IV, Part XXXIII, I would like to draw attention to clauses 296 and 297, these provide that, where there is a series of cross charges by different people the court can take them all one time and decide what the actual position is. Likewise, complainants can have their several cases joined and the whole matter investigated at one and the same time.

Clause 300, Sir, strikes new ground in Nigeria, and I particularly mention this because there has been some criticism of this particular clause. It provides that a Magistrate can without convicting the accused, bind over both parties to keep the peace. One may at once say: "Here is a complainant who has not been charged, but is being bound over". That is actually what the clause means. This section is used by the Courts, in my own experience, where a lot of quarrelsome people are before the court some of whom are charged and the Court is satisfied they are all to blame; in such a case the Court does not convict and as it would not be fair for the Magistrate to bind over some only in these circumstances all are bound over to be of good behaviour.

The Ordinance also provides for the summary trial by Magistrates of children or young persons or adults charged with indictable offences in Parts XXXIV and XXXV respectively. In Part XXXV there is a limitation and that is, that the law officers can intervene and say that this is not a proper case for trial by a Magistrate, but it is a matter that should either be committal for trial or go before a Judge for summary trial. This taking away from Magistrates is English practice where an adult is about to be tried summarily for an indictable offence.

Then, Sir, Part XXXVI deals with preliminary inquiries into indictable offences. It sets out quite clearly the procedure to be followed, and in accordance with clause 332, if the Magistrate is of the opinion that the case is one which he can deal with himself, he can do so following the procedure set out in the clause.

So, too, in clause 333, where a law officer or a crown counsel is satisfied that there is other evidence available he can send the accused back for further inquiry and the accused can then be again committed for trial.

Turning to Part XXXVII I invite attention, Sir, to clauses 342 and 343. They provide—it is important to note this—that private persons can lay information in the Supreme Court against others in those cases where the Crown refuses to intervene, or where the Crown believes that the matter is a private one and is one in which one person is trying to enforce his spite against the other, or where such case have been committed by a Magistrate to the Supreme Court, the law officers or crown counsel need not file an information but the private individual can be required to take his own action and it is then up to him to do so if he wishes.

One other matter relative to trial by Judges is provided in clause 364, where a Judge may try an accused person in a summary manner, even though committed for trial whether any information has been filed or not. That, Sir, is for use in outlying parts of the Protectorate places where a man is awaiting trial, the witnesses are busy available but there is no one to file a charge or to prosecute; rather than the individual should stay in custody, the Judge can direct that a charge should be put before him for trial, the charge being based on the facts disclosed in the papers. That is occasionally done in very distant parts of the Protectorate. Chapter VII containing Parts XL, XLI, XLII and XLIII relates to matters of punishments. Fart XL covers capital sentences in respect of adults, young persons and where the accused is a woman alleged to be pregnant. In the last, the sentence of death shall not be passed on her but she shall be sentenced to imprisonment for life. While in the case of young persons they are ordered to be detained during His Majesty's pleasure.

Then Chapter IX contains some very important provisions which are new. Part 46 deals with Juvenile Offenders. Sir, Honourable Members will realise that we have in existence the Children and Young Persons Ordinance, 1943, applicable to certain parts of Nigeria only and it will gradually be extended. Opportunity has now been taken to provide as far as possible throughout the country for procedure in respect of the trial of young persons very similar to that provided by that Ordinance. The procedures are approximately the same because where the younger generation has gone wrong it is advisable to separate the offenders from the usual criminal procedure of the Court. Provision is also made for a young person on probation to be placed under the supervision of a probation officer and it is hoped that this will assist in reforming young persons instead of the court having to send them to prison.

Well, Sir, I think I need refer only to two other matters, namely, clauses 459 and 460. Clause 459 is new in Nigeria and I think probably to all other parts of West Africa also. It provides that no person can be committed for trial by a coroner after a coroner's inquest. It was the usual practice, but a year or so ago we passed legislation in this Council bringing our Coroner's Ordinance upto-date and that provides that where a coroner is holding an inquest and any person is charged with causing the death of the person the subject of the inquest should be adjourned sine die, and now, Sir, we see the counter part, namely, that a person cannot be committed for trial at a coroner's inquest. The reason for that is that at a coroner's inquest evidence is admissible which is not admissible before a Magistrate and therefore if a man is charged with a criminal offence before a coroner it is possible that evidence may get in against him which is not legally admissible against him at his trial. Then, Sir, we come to the appeals clause, clause 460, which provides that an appeal from a Magistrate will go to a Judge of the Supreme Court under a special ordinance and an appeal from a Judge will go to the West African Court of Appeal.

In covering the ground as I have done in this Bill I have of necessity touched on many of the matters covered by the other Bills before the Council this morning and therefore I will be able to get through them very quickly when we reach them.

It is, Sir, in the firm belief that the introduction of this legislation will raise the standard of our Courts, the standard of our Bar, and will also assist considerably the administration of justice, that

the Government places this Bill before this Council and asks for its favourable reception.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

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

Your Excellency, I see that the Attorney-General has not given us an explanation of the word "deportation".

The Hon. the Attorney-General :

I ran over the Chapter containing that part very quickly. The Chapter deals with capital sentences, fines, imprisonment, whipping an orders for deportation. In respect of deportation it is a repetition of the existing law of Nigeria except that I have put in in detail the procedure to be followed when a man is brought up with a threat of deportation. Also I should mention, in case Honourable Members do not know, that a native of Nigeria cannot be deported from Nigeria. As I have said the provisions are as existing in Nigeria to-day except for the fact that I have set out in detail what the procedure must be so that the man threatened with the order will know what is happening.

Bill read a first time.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Criminal Code".

If Honourable Members will refer to this Bill they will see, Sir, that it is designed chiefly in order to enable the repeal from the Criminal Code of many of the provisions which have been transferred to the Bill for the Criminal Procedure Ordinance, 1945. For example, the provisions relating to deportation to which the Honourable and Reverend the Member for the Colony referred. That was in the Criminal Code, but has now been taken out and transferred to the Criminal Procedure Ordinance. Other sections regarding the death penalty, imprisonment, whipping, fines, the destruction of certain articles, many sections dealing with arrest, have all been taken out of the Criminal Code and put in the Criminal Procedure Ordinance where they really belong.

The new sections 17, 18, 19, and 20, in clause 3, Sir, are existing law in the Criminal Code, but they were all part and parcel of one big section. They have been sub-divided and given four separate numbers in the place of four which have been transferred.

Section 39 is a re-enactment of section 39, putting it quite clearly that where a woman who has been convicted of a capital offence alleges that she is pregnant what procedure must be followed to find out whether she is pregnant or not. If she is pregnant she is not sentenced to death but to a term of imprisonment.

The age of a juvenile offender and a person upon whom sentence of death can be passed has been raised from the age of 16 to 17, and it is because of that that one of the other Bills appears before this Council. Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a first time.

THE MAGISTRATES' COURTS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943."

This, Sir, as Honourable Members will see, takes away from Magistrates, for the reasons given in the Objects and Reasons, the jurisdiction of *habeas corpus* and for the appointment of guardians, other than guardians for the purposes of legal proceedings. The reason for this is that the Supreme Court, when this Bill comes into force, will be effective throughout the whole country and the matters of *habeas corpus* and the guardianship of children are matters for the Supreme Court and not Magistrates.

The other provisions in clause 3 are necessary to enable the change over to take place without having to re-appoint all the authorised officers to these Magistrates' Courts—Registrars, Clerks and others. They will carry on under the new law. Similar provisions appear in the Supreme Court Ordinance in respect of Judges and Registrars of the High Court.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a first time.

THE CHILDREN AND YOUNG PERSONS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Children and Young Persons Ordinance, 1943 ".

Sir, this appeared before the last Bill in the Order of the Day, and I turned over two Bills at once but I will proceed with this now. This simply increases the age of a young person upon whom sentence of death can be passed up to 17. The Criminal Code

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used to provide that no person under the age of 16 could be sentenced to death and for that reason that age had to be retained here in 1943 but, the opportunity is being taken in the Criminal Procedure Ordinance, 1945, to bring it up to 17 and therefore it is necessary to amend this Ordinance as well.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a first time.

THE EVIDENCE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

Sir. I beg to move the first reading of a Bill entitled :-

"An Ordinance to amend the Evidence Ordinance, 1943 ".

Sir, this Bill, as will be seen from the Objects and Reasons, has two objects, one to make quite clear in our Evidence Ordinance what is meant about shifting the burden of proof, and also to make the necessary cross reference in the Evidence Ordinance to the provisions in the new Criminal Procedure Ordinance, instead of leaving the cross reference to the old provisions. That normally, Sir, is not necessary, but there have been slight changes in the new provisions from the old. For example, Courts of Inquiry were under the old Ordinance held under your direction. Sir, but under the new Ordinance under the Attorney-General's, and therefore it is advisable for us now to make the change.

I think, with justifiable pride, that I might point out to Members, Sir, that the former of the provisions of this Bill are the only point of criticism raised in England against the Evidence Ordinance enacted two years ago.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

1 beg to second.

Bill read a first time.

THE MAGISTRATES' COURTS (APPEALS) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to regulate Appeals to the Supreme Court from the Adjudications and Decisions of Magistrates' Courts ".

I should point out at once to Honourable Members that this is entirely new procedure in Nigeria. It is not new in the sense that it has not worked elsewhere. I have served under it and it is extremely satisfactory. The main point is that at present a man who has been convicted in a criminal case has no right of appeal

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unless he has been sentenced to a term of imprisonment of two months or over or unless he has been fined £50 or over. It is true, Sir, that he can ask for leave to appeal but he has no right of appeal if he is dissatisfied with his conviction or sentence. Likewise if he is fined £45 he has no right of appeal. The Government considers that wrong, for a man should be entitled to clear his character of any serious charge of which he is convicted no matter what the penalty is so long as the stigma remains upon him of the conviction, and therefore this Bill provides so far as criminal matters are concerned that the accused, who has been fined £5 or over or who has been imprisoned at all, it does not matter what period of imprisonment, has a right of appeal. It comes right down to rock bottom for a man will now have a right of appeal except in small matters. It greatly extends the right of appeal to persons convicted but it goes further than that it also provides that any person dissatisfied with a decision has a right of appeal. I want to make it quite clear that where there is an acquittal the complainant can appeal against the acquittal, and that, Sir, is the practice in England in the Petty Sessional Courts before the Justices. You will frequently see cases in the papers chiefly dealing with motoring offences,-where a man is discharged, the complainant appeals and the case is referred back to the Magistrates for a conviction. I am sure many Members must have seen that.

I do not want Honourable Members to think that this is anything new. But having got this practically unlimited right of appeal people should not make use of it just for the fun of it, and therefore provision is made in the Bill for requiring a person to enter into a recognisance. If possible that recognisance will be fixed by the Magistrate at the time. It will take into account the seriousness of the offence and also whether or not the accused is able to put up substantial or other security. It may be said that this is very hard on a poor man. Therefore provision is made that the poor man can appeal by simply entering into a recognisance in his own name but that will not of necessity allow him to be at large pending the appeal. He can still stay in custody, serve part of his sentence and go on with his appeal, instead of to-day having to serve his sentence without being able to appeal at all.

Then, Sir, provision is made that the other side must be given notice that there is going to be an appeal and the grounds of appeal must be set out under one or more of ten definite heads so as to have some precision as to what the point on appeal is about. All this means is that we want to get before our Courts precision so that everybody will know where they stand. The other provisions in the Bill all relate to the procedure and on that I do not think I need delay the House any further. A further appeal lies to the West African Court of Appeal.

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Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to second.

Bill read a first time.

THE SHERIFFS AND ENFORCEMENT OF JUDGMENTS AND ORDERS ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to make provision for the appointment of Sheriffs, the Execution of their Duties and for the Enforcement of Judgments and Orders."

This Bill, Sir, is really designed to complete the legislation of our Judicial Reform. Execution at present is exercised under Rules of Court. These Rules of Court, Sir, contain many provisions which should not have been rules at all but should be substantive law. They appear in substantive law in other parts of the world and in England too. For example, Sir, take the case of a judgment debtor who has had a summons issued against him and been committed to prison—that is a matter which I think should be substantive law and not Rule of Court.

Sir, I do not think that I need delay Members of Council over this Bill other than to say that it puts our procedure in that respect on a statutory footing instead of being governed by the rules. It . puts the responsibility on the Sheriffs and Bailiffs to do their work properly and it also provides special procedure where real property is being levied upon in execution. The Bill, Sir, will need a little further consideration but that can be done later on in Committee.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

Sir, I rise to second.

Bill read a first time.

THE POLICE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinane to amend the Police Ordinance, 1942."

Sir, Honourable Members may wonder what this Bill is doing at the end of this bunch and that there has been no Certificate of Urgency. This was published a long time ago and it is a companion bill to another bill before this Council, an Ordinance to amend the Criminal Procedure Ordinance; but the provisions in that other Bill have been included in the one dealt with this morning, and the former Bill will not be further proceeded with, and therefore the opportunity has been taken of disposing of this one at the same

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time. Under the existing Police Ordinance articles which have been tendered in Court and also provisions relating to the disposal of unclaimed articles are both dealt with under that Ordinance. They have now been separated. Those relating to the Courts will be dealt with under the Criminal Procedure Ordinance, 1945, and the others dealt with under the Police Ordinance. This Bill gives effect to that decision by restricting the Police Ordinance provisions to unclaimed articles.

Sir, I beg to move.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a first time.

THE INCOME TAX (AMENDMENT) ORDINANCE, 1945

The Hon. W. B. Dare (Commissioner of Income Tax):

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

" An Ordinance to amend the Income Tax Ordinance, 1943."

The main object of this Bill, Sir, was to remove certain administrative difficulties and small inequities arising from the double taxation of income which is liable to assessment and charge both in the country of origin and also in the country of residence. The effect of these reliefs would have been small owing to the very high ratio which the British tax charged upon the income bears to the Colonial tax, but it was, however, some small measure of relief.

For over 20 years there have been in operation in Great Britain provisions giving some relief on taxation and during those 20 years there have been various amendments made to the original provisions to remove inequities, until at the present time I think I am right in saying that the relieving provisions, and subsequent enactments in the British Taxing Acts, are so involved that nobody but a tax expert can follow them.

For some years the Board of Inland Revenue have been trying to arrive at some solution of this difficulty and to simplify double taxation relief, and when introducing this Bill I did not think that any solution could possibly have been found during the war period. I have, however, learned that statements have been made in the House of Commons by the Chancellor of the Exchequer that at the present time there is an Income Tax Treaty between Great Britain and the United States of America which introduces entirely new principles of double taxation relief. Only very recently have I become aware of the principles which are being adopted, and as the United States Treaty has not yet been published I am not at liberty to disclose them. But the repercussions of that treaty and of the principles involved, on double taxation as between the Colonies and both the United States and the United Kingdom are

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being kept in view, and it is hoped that it should be possible to open negotiations with Great Britain after the publication of the United States Treaty on the lines of those principles.

In order that any such negotiation, if they ever do take place, should not be hampered by any recent legislation, I propose at the committee stage to withdraw clauses 2, 4, 5 (t) and 8 of the Bill. Clauses 2, 4 and 5 (t) do not in any way affect the amount of tax payable by the taxpayer, they merely affect the place of assessment. Clause 8 does give a very limited amount of relief in the case of pensioners but it is proposed to retain clause 7, which does not deal directly with double taxation, but the effect of which would be in theory to reduce the relief which clause 8 would otherwise grant.

I have discussed this matter, Sir, with the representatives of an Association which speaks for the bulk of the pensioners who are liable to British and Nigerian Income Tax, and they entirely approve of the proposals as regards all these sections.

With regard to the remaining clauses of the Bill, which are all relieving clauses-

Clause 3 removes from the bounds of charge upon an employee the costs which might have been paid or which are paid by an employer for certain passages of the employee or his wife. It will probably come as a surprise to know that as the Ordinance stands at present, the cost of the first passage of any employee's wife to the coast which was paid by his employer, and also, if away from the coast for more than two years, the cost of any subsequent passage, would be income in the hands of the employee, and there would be no provisions in the Ordinance giving relief to the employee from tax on that sum. That is of course not the intention of the Ordinance.

Clause 5 (a) grants exemption in respect of the investment income of the invested funds of pension and provident funds so that the whole income of the fund will be available for the members of that fund to receive either as a pension or as a capital sum.

Clause 6 also relates to pensions and provident funds and extends the relief in respect of contributions which are paid. The allowance for contributions is at present limited to $12\frac{1}{2}$ per cent of the employee's income. The employer's contribution is normally 5 per cent or $7\frac{1}{2}$ per cent, and the excess of $12\frac{1}{2}$ per cent over the amount which the employer does in fact pay is being allowed as an additional deduction to the employee by limiting the deductions to 25 per cent in aggregate instead of individually to $12\frac{1}{2}$ per cent each.

Clause 7, to which I have already referred, remedies a defect in section 23 of the original Ordinance. Under section 23 a pensioner living outside Nigeria may not be entitled to the same allowances to which he would have been entitled were he living in Nigeria, and he may therefore suffer more tax than he would pay if he lived notice that the second and third readings of all the Bills read this day a first time will be moved during the present meeting.

(Second and Third Readings)

THE EMPLOYMENT OF EX-SERVICEMEN ORDINANCE, 1945

The Hon. E. A. Miller (Commissioner of Labour):

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

"An Ordinance to make provision for enabling Persons whether Disabled or Able-bodied to Secure Employment at the conclusion of their Services with the Armed Forces of the Crown, and for purposes connected therewith."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

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

Your Excellency, I beg to move that this Bill be referred to a Select Committee.

His Excellency:

If that is agreeable to Honourable Members, I think that probably will be the best thing. It is suggested that the Select Committee shall consist of

The Honourable E. A. Miller, Commissioner of Labour (Chairman).

The Honourable G. L. Howe, Solicitor-General.

The Honourable the Mining Member.

The Honourable the Commercial Member for Lagos.

The Honourable the Second Lagos Member.

The Honourable the Member for the Ibibio Division.

Is that agreeable, Gentlemen?

Honourable Members :

Yes.

His Excellency :

The Bill will be referred to the Select Committee.

It is customary to make the person who proposes the motion to be the Chairman. It would be better for the Honourable Member to withdraw his claim.

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

Bill referred to Select Committee.

THE LABOUR CODE ORDINANCE, 1945

The Hon. E. A. Miller (Commissioner of Labour):

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

"An Ordinance to amend and consolidate the law relating to Labour and to constitute the Labour Code for Nigeria."

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I know, Sir, that it is not customary to speak at this stage, but I should like to make a very brief statement.

When moving the first reading of this Bill I gave an assurance that this Bill, if passed into law at this session of the Legislative Council, would not become operative until the 1st of January, 1946. I also gave an undertaking that after the session of the Council I would examine the new Bill clause by clause with any Honourable Members who were interested in such matters. I also told them that if they had any great amendments as a result of this discussion and consultation, those amendments to the existing clauses would not be brought into force until the amendments have been brought before the Legislative Council. If there is no meeting of this Council later on this year, it will create some difficulties and we may have the law in operation. I therefore wish to give an undertaking or assurance that as the operation of this Bill becomes law at this session, it will not become law until the 1st of April, 1946. I am sure there will be a meeting of this Council to consider any amendments which the Honourable Members of this House may suggest.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

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

Your Excellency, I have had the intention to move that this Bill should be postponed to a further session, but in view of the explanation which has been given by the Commissioner of Labour, I think it is agreeable to us, Sir.

His Excellency:

The question is that this Bill be read a second time.

Bill read a second time.

Council in Committee.

His Excellency:

Does it meet Honourable Members' wishes to take this Bill chapter by chapter? Clause by clause will be very long indeed.

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

Your Excellency, in view of the fact that this Ordinance will not become law until the 1st of April, 1946, I think taking it chapter by chapter will suit us quite well.

Enactment. Chapter I. Chapter II. Chapter IV. Chapter V. Chapter V. Chapter VI. Chapter VII.

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Chapter VIII. Chapter IX. Chapter X. Chapter XI. Chapter XII. Chapter XIII. Chapter XIV. Chapter XV. Chapter XVI. First Schedule. Second Schedule. Title.

Council resumed.

The Hon. E. A. Miller (Commissioner of Labour):

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE 1943-44 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the 31st day of March, 1944."

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment. Clause 1. Clause 2. First Schedule. Second Schedule. Third Schedule.

The Hon. the Financial Secretary :

In the Third Schedule, Sir, I am sorry to say a mistake has been made, and I therefore beg to move the following amendments: ----

the deletion of the figures 53,362 and the substitution of the figures 54,288;

the deletion of the figures $\pounds 60,803$ and the substitution of the figures $\pounds 61,729$.

Amendment approved.

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Fourth Schedule. Preamble. Title.

Council resumed.

The Hon. the Financial Secretary :

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

The Hon. the Acting Deputy Chief Secretary:

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

THE GOLDSMITHS (AMENDMENT) ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General:

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

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3.

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

Clause 3 Sir. I see that provision is made only for male hawkers. Throughout Nigeria females are people who hawk gold rather than male. I think that should be amended.

The Hon. G. L. Howe, Solicitor-General:

Sir, this includes any hawker. In clause 3 this includes anybody —female or male.

Clause 4. Title.

Council resumed.

The Hon. G. L. Howe, Solicitor-General:

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

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed,

THE NATIVE LIQUOR (TOWNSHIPS AND CERTAIN AREAS) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces :

Sir, I beg to move the second reading of a Bill entitled: "An Ordinance to prohibit or regulate the Manufacture and

Sale of Native Liquor in Townships and Certain Areas."

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment. Clause 1. Clause 2. Clause 3. Clause 4. Title.

Council resumed.

His Honour the Acting Chief Commissioner, Western Provinces :

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

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a third time and passed.

THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces : Sir, I beg to move the second reading of a Bill entitled :

"An Ordinance to amend the Native Authority Ordinance."

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3. Clause 4.

Clause 5.

Clause 6.

Title.

Council resumed.

His Honour the Acting Chief Commissioner, Western Provinces: Sir, I beg to report the Bill from Committee without amendment. I beg to move that the Bill be now read a third time and passed.

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The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a third time and passed.

THE EDUCATION (COLONY AND SOUTHERN PROVINCES) (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Education:

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

"An Ordinance to amend the Education (Colony and Southern Provinces) Ordinance."

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. the Director of Education:

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

I beg to second.

Bill read a third time and passed.

THE CINEMATOGRAPH (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Education:

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony): I beg to second.

t beg to second.

Bill read a second time.

Council in Committee.

Enactment. Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. the Director of Education:

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

I beg to second.

Bill read a third time and passed.

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THE NATIVE LANDS ACQUISITION (AMENDMENT) ORDINANCE, 1945

The Hon. the Senior Resident, Plateau Province :

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

"An Ordinance to amend the Native Lands Acquisition Ordinance."

The Hon. the Senior Resident, Bornu Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. the Senior Resident, Plateau Province :

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

The Hon. the Senior Resident, Bornu Province :

I beg to second.

Bill read a third time and passed.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Marine:

Sir, I beg to move the second reading of a Bill entitled: "An Ordinance to amend the Shipping and Navigation Ordinance."

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment,

Clause 1.

Clause 2.

Clause 3.

Title.

Council resumed.

The Hon. the Director of Marine:

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

I beg to second.

Bill read a third time and passed. Council adjourned at 12.30 p.m. Council resumed at 2.30 p.m.

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The Hon. the Attorney-General:

With your permission, Sir, I would like to ask the indulgence of this Council to permit me to take now the Bill in my name which is the last one on the Order of the Day Sir. I ask this for purely personal reasons Sir. The Bill is the Interpretation (Amendment) Ordinance.

THE INTERPRETATION (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

" An Ordinance to amend the Interpretation Ordinance, 1939."

The Hon. G. L. Howe, Solicitor-General:

I leg to second.

Bill read a second timé.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE TEMPORARY INCREASE OF PENSIONS (NON-EUROPEAN OFFICERS) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to provide for the Temporary Increase of certain Pensions."

The Hon. the Acting Deputy Chief Secretary :

I beg to second. Bill read a second time. Council in Committee. Enactment. Clauses 1 to 7. First Schedule. Second Schedule. Title. Council resumed.

The Hon. the Financial Secretary:

Sir, I beg to report the Bill from Committee without amendment. I beg to move that the Bill be now read a third time and passed. The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a third time and passed.

THE TEMPORARY INCREASE OF FENSIONS (EUROPEAN OFFICERS, WIDOWS AND ORPHANS) ORDINANCE, 1945

The Hon. the Financial Secretary:

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

"An Ordinance to provide for the Temporary Increase of Certain Pensions granted under the Provisions of the European Officers' Pensions Ordinance or Payable under the Provisions of the Widows' and Orphans' Pension Ordinance."

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a second time. Council in Committee. Enactment. Clauses 1 to 11. Schedule. Title.

Council resumed.

The Hon. the Financial Secretary:

Sir, I beg to report the Bill from Committee without amendment. I beg to move that the Bill be now read a third time and passed. The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a third time and passed.

THE MOTOR VEHICLES (THIRD PARTY INSURANCE) Ordinance, 1945

The Hon. G. L. Howe, Solicitor-General:

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

"An Ordinance to make provision against Third Party Risks arising out of the use of Motor Vehicles."

If I might say so now, Sir, I appreciate that little time has been available to discuss the detail of this Bill, and various bodies who may be interested have not yet been consulted as to that detail. But until the House had approved the principle of this law itwas difficult to see how the bodies could be consulted as to detail. And so I would like to give this assurance, that this Bill will not be brought into operation before the 1st of April, 1946, and that in the meantime I shall be very glad to meet any delegations or deputations to discuss the detail of the Bill, and to say that any agreed amendment will be brought into the Bill before the Bill is brought into operation.

Council Debates

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

We see the same thing here as in connection with the Labour Bill.

His Excellency:

It will of course, during the interval of a year, provide the time to negotiate with Insurance Companies, and to see to it that the public does get a chance of getting fair rates.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 5.

Clause 6.

The Hon. G. L. Howe, Solicitor-General:

Clause 6 Sir. I beg to move that this clause be amended by deleting the word "liability" in the first line of the proviso to clause 6 (1) (b) and substituting the word "policy" therefor. That is a better and more apt word.

Amendment approved.

Clause 7.

The Hon. G. L. Howe, Solicitor-General :

Sir, in clause 7 (1) (b) at the top of page 6, the words "motor car" have crept in, and I beg to move that the words "vehicle or motor car" be deleted and the words " or other motor vehicle" substituted.

Amendment approved.

Clauses 8 and 9.

Clause 10.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 10 (3) be amended by deleting the words "on some ground other than a provision of the policy" and substituting "apart from any provision contained in it".

Amendment approved.

Clause 11.

Clause 12.

The Hon. G. L. Howe, Solicitor-General :

Sir, I beg to move that clause 12 (2) be amended by deleting the word "if" in line 6 thereof and substituting the word "of". This is a misprint Sir.

Amendment approved. Clauses 13 to 15.

Clause 16.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that this clause be amended by deleting the word "upon" occurring therein and substituting the word "from" therefor. This is another misprint Sir.

Amendment approved.

Clauses 17 to 23.

Title.

Council resumed.

The Hon. G. L. Howe, Solicitor-General:

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

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed.

THE ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT) (AMENDMENT) ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General :

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

"An Ordinance to amend the Royal West African Frontier Force (Nigeria Regiment) Ordinance."

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time. Council in Committee. Enactment. Clauses 1 to 4. Title. Council resumed.

The Hon. G. L. Howe, Solicitor-General:

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

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed.

THE SURVEY (AMENDMENT) ORDINANCE, 1945

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

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

"An Ordinance to amend the Survey Ordinance."

The Hon. the Senior Resident, Bornu Province :

I beg to second.

Council Debates

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

Your Excellency, Members on the opposite side of the House to-day have been making our work very easy. They have been exceedingly accommodating, and we hope that feeling will not be broken this afternoon by the Honourable Mr Clouston. There are only one or two amendments I would like to suggest, but perhaps they can be considered in the committee stage. I have had a talk with members of the Surveyors Association, members of which Association I understand have already submitted a memorandum to Government, and have expressed their views in that memorandum. One of the views expressed was that the time has arrived when members of that Association, those practising surveyors not in Government Service, should be put on the Board of Examiners. I think that is done in all professions, and there is no reason why it should not be the same in connection with the surveying profession.

The next point is clause 6, the penalty prescribed for what we might call misconduct in the work of surveyor. I think in all other professions where there is misconduct, the offender is struck off the roll as they say it in connection with lawyers and doctors, and in this case the cancelling of a Surveyor's licence in case of misconduct should be sufficient punishment without making it an offence requiring punishment by imprisonment. Those are the only two points, Sir, which the Surveyors Association have brought up. It is felt that sufficient provision is already made for punishing surveyors against whom there has been proved misconduct, in section 5 (c), where it states that in cases where a surveyor signs a plan which happens to be incorrect, his name should be cancelled from the List of Surveyors. That I think is sufficient punishment for an offence without it being a case for imprisonment. I think the Surveyor-General in his speech in introducing this Bill described to us the difficulties of surveyors and he also told us the very important part which surveying work has got to play in the development of the future of Nigeria. Well, we all agree that it is so, and we all appreciate the anxiety of the Surveyor-General that the standard of work of surveyors being important to the community should be as high as possible. I don't think it is only the work of surveyors which requires a high standard in this country, we require a high standard in every profession and every department in this country, and there is no reason why Surveyors should be selected as the only body from whom a very high standard is required. We look to all departments to see that standard is kept up, and we feel that a high standard could be kept up without making such drastic and harsh provision as in the provision, of this Ordinance, that imprisonment or heavy fines should be the penalty. I am not an expert, but what I do understand is that in the survey department, surveyors are sent out to various parts of the country, they bring back their plans, which are then checked in the office. Those who do field work are entirely different from those in the office. Now a surveyor sends out his assistant to different parts of the country, he brings back his results to the chief surveyors in his office, these are checked and the plans carefully prepared and submitted to the Survey Department. If this system works in the Survey Department I don't see why it should not work in the case of private surveyors. I have been told by experts on the job that it is physically impossible in Nigeria for a surveyor to be everywhere; he must depend on assistants, and I think in this Ordinance you actually make provision for that, because it is stated that before a licence can be granted to a surveyor he has not only to get good training but he must have spent at least a year in practical work. I think that answers the question. If a man after going through an apprenticeship has to spend a year before being given a licence, well it must be work in connection with his employer, and I am sure the work of that man would be valueless if this Ordinance says a surveyor, and advanced pupil, a man looking forward to a licence, goes out to do work, brings it back, he must not go through it and sign it, he must not take it for granted that the work has been done correctly, but if he goes through the field book and is satisfied that the work is properly done, there is nothing to prevent him signing it and sending it on to the surveyor.

These are the few objections which we think should be brought to Your Excellency's notice. We think it is a very desirable thing that an Ordinance like this should be brought about with a view to securing the highest standard of skill. But that can be achieved without such drastic penalties as have been provided in this Ordinance. If, Your Excellency, the Surveyor-General should concede these points as Honourable Members on the other side have been kind enough to do all throughout to-day in other Bills, it will make the work of this House very much easier.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

Sir, I rise to endorse the remarks made by the Second Lagos Member.

The Hon. G. L. Howe, Solicitor-General:

Just before the Honourable Surveyor-General replies I think I might say that the Honourable Second Lagos Member pictures the life of a doctor and a lawyer too happily. It is true we may be struck off; it is also true that if a respectable lawyer commits certain offences in connection with his work he can be haled in front of the Criminal Courts and sent to prison. And, as the Honourable Member for Ijebu knows, if doctors use their skill in certain forbidden directions, they can be haled in front of the Court and punished too.

As regards the first two clauses referred to, if any one of us held ourselves out as qualified persons and were not so qualified to practice, we are also haled in front of the Court and punished. It is not quite so easy for us as the Honourable Member thinks.

Sir, the Honourable the Second Lagos Member has brought out three points. The first point, I think, was that a member of the profession outside the Government Service should be on the Board of Examiners. Well, Sir, the Bill says that the Board shall consist of the Director of Surveys and two other persons appointed from time to time by the Governor for such period as he may think fit. If it is thought desirable to appoint a member of the profession outside the Survey Department, that is, outside the Government Service, there is nothing in the Bill to prevent you from doing so.

I think the next point raised was the penalties in clause 6. Well, there is one thing which I think the Honourable the Second Lagos Member has not taken into consideration and that is, it is hardly possible for a non-qualified person to hold himself out successfully as a surveyor, to do surveys and make plans and do these things profitably, unless he can get a qualified surveyor to assist him by signing the plans of his work. If an unqualified surveyor submits a plan of a survey the plan may not be registered, nor can it be accepted in a Court of Law, in evidence in land cases. Therefore if a licensed surveyor refuses himself to sign a plan of a survey made by an unqualified man, it will reduce to very little the amount of the illegal practice. I think it is a point of law that if one person assists another to commit an offence, he is himself guilty of a misdemeanour and he can be charged, and is liable to the same penalty as the man who actually commits the offence. If an unqualified man commits an offence and the surveyor makes out a certificate, he is aiding and abetting the commission of the offence in signing that certificate. That surveyor in ordinary law is liable to the same penalty.

Now, the third point. The Honourable the Second Lagos Member said that they do the same thing in the Survey Department by sending out unqualified surveyors to do surveys. That is not so. The definition of a surveyor is as given in the definitions to the present Ordinance. Surveyor means:—

"A Government surveyor or a licensed surveyor."

There are two types of surveyors recognised in the Survey Ordinance. One is Government surveyor and the other licensed surveyor. This Bill provides for a period of training and does not give any reason to conclude that the assistant who has been a pupil surveyor and whose work has been under the supervision of a surveyor is entitled to do work of surveyors. I do not think an assistant in the legal profession is entitled to plead for his clients, nor is an assistant to a medical practitioner entitled to go and visit patients, diagnose cases and prescribe medicines. What actually constitutes survey is found in the definitions in the regulations. Survey means:—

" Measurement by a surveyor and the practice of all such

" linear and angular measurements as may be necessary in " order to determine the dimensions, extent, features or " relative positions of portions of the earth's surface."

It is considered that that work must necessarily be done by a qualified man in any country—not only in Nigeria—but in any country where there is a recognised survey profession.

In other ways an assistant will be very useful to the surveyor. He can go out with the surveyor on his surveys and can assist him in chaining and he can assist him to make computations of the work. He can draw plans, but the surveyor must do the surveying. I think these are the points I have to deal with.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3.

The Hon. G. L. Howe, Solicitor-General:

Sir, I move that the proposed new section 4 (1) be amended by inserting after the words "two other persons" the expression "one of whom shall be a licensed surveyor in private practice". That will meet one of the points raised by the Honourable the Second Lagos Member:

His Excellency:

Is that amendment agreeable, Gentlemen?

Honourable Members:

Yes.

Amendment approved.

Clause 4.

Clause 5.

Clause 6.

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

Sir, may I make an amendment to that clause: "That no surveyor shall sign any diagram or plan of any land unless that diagram or plan contains the name of the surveyor or of a surveyor in training under the direction of the surveyor."

His Excellency:

Will the Honourable Member please hand the amendment to the Clerk to read.

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

I will write it out, Sir.

Amendment handed in.

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Clerk of Council:

After the word "surveyors" in line 5 of section 3, the following words should be inserted:—

" or an advanced pupil surveyor in his last year working under " the direction of the surveyor."

His Excellency :

The Honourable the Director of Surveys may like to comment on that.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

Sir, I would not accept that amendment. The period of training for surveyors is laid down as three years. To allow a man in his final year of training to go on surveys would, in effect, be reducing the period of training to two years. Just the same thing in the medical profession. You want a competent medical practitioner to attend your family. You are not allowed as a medical student still under training to attend cases as a medical man fully qualified. I do not see how a pupil surveyor in his last year of training can be allowed to do the actual surveying.

His Excellency :

Does any other Honourable Member wish to speak on this amendment? The question is that the clause should stand as printed in the Bill. Will those in favour say "Aye"—those against say "No".

The "Ayes" have it. Clause 7. Clause 8. Title. Council resumed.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

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

The Hon. the Senior Resident, Bornu Province :

I beg to second.

Bill read a third time and passed.

THE LAGOS TOWN PLANNING (AMENDMENT) ORDINANCE, 1945

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

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

"An Ordinance to amend the Lagos Town Planning Ordinance."

Nigeria Legislative

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) : I beg to second.

Bill read a third time and passed.

THE CAMEROONS UNDER BRITISH MANDATE ADMINISTRATION (AMENDMENT) URDINANCE, 1945

His Honour the Chief Commissioner, Eastern Provinces:

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

"An Ordinance to amend the Cameroons under British Mandate Administration Ordinance."

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Title.

Council resumed.

His Honour the Chief Commissioner, Eastern Provinces:

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

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a third time and passed.

THE TRADE UNIONS (AMENDMENT) ORDINANCE, 1945

The Hon. E. A. Miller (Commissioner of Labour):

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

"An Ordinance to amend the Trade Unions Ordinance."

Council Debates

The Hon. G. L. Howe, Solicitor-General:

I beg to second. Bill read a second time. Council in Committee. Enactment. Clause 1. Clause 2. Clause 3. Clause 4. Title. Council resumed.

The Hon. E. A. Miller (Commissioner of Labour):

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1945

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

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

"An Ordinance to amend the Townships Ordinance."

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

I beg to second.

Bill read a second time.

Council in Committee.

Enactment. Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

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

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

I beg to second.

Bill read a third time and passed.

THE BIRTHS, DEATHS AND BURIALS (AMENDMENT) ORDINANCE, 1945

The Hon. the Senior Resident, Bornu Province :

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

"An Ordinance to amend the Births, Deaths and Burials Ordinance."

Nigeria Legislative

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

I beg to second. Bill read a second time. Council in Committee. Enactment. Clause 1. Clause 2. Title.

Council resumed.

The Hon. the Senior Resident, Bornu Province :

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

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

I beg to second.

Bill read a third time and passed.

THE WATERWORKS (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Public Works:

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

"An Ordinance to amend the Waterworks Ordinance."

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony) : I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

Title.

Council resumed.

The Hon. the Director of Public Works:

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

I beg to second.

Bill read a third time and passed.

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THE NATIVE COURTS (COLONY) (AMENDMENT) ORDINANCE, 1945

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

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

"An Ordinance to amend the Native Courts (Colony) Ordinance."

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

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

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE NATIVE COURTS (AMENDMENT) ORDINANCE, 1945

His Honour the Chief Commissioner, Eastern Provinces:

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

"An Ordinance to amend the Native Courts Ordinance."

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 5.

Title.

Council resumed.

His Honour the Chief Commissioner, Eastern Provinces:

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

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed.

THE APPOINTMENT AND DEPOSITION OF CHIEFS (AMENDMENT) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces :

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

"An Ordinance to amend the Appointment and Deposition of Chiefs Ordinance."

The Hon. the Senior Resident, Kano Province :

I beg to second.

His Excellency:

The question is that the Bill be read a second time. Does any Honourable Member wish to address the Council?

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

Your Excellency, I rise to speak for my people and for the people of the Western Provinces as well as the Eastern Provinces of Nigeria.

When this Bill was published in the Gazette, I must confess that it caused a very great stir amongst my people as well as the Chiefs. We feel that it is a violation of our sacred rights. The title of the Bill says: " An Ordinance to amend the Appointment and Deposition of Chiefs Ordinance, 1930." Reading through it, one would find that the previous Bill as approved, says that the Governor can depose a certain class of Chiefs and it is only this afternoon that I have the privilege of seeing the original Ordinance of 1930. In that particular Ordinance there is a provision which says that after the people have failed to appoint their own Chiefs the Governor can come in. We consider that is a violation of our natural and sacred rights that anybody whatever his rank who is not one of us should appoint for us our Oba or on the other hand have him deposed. The right to appoint our own Chiefs has been respected by respective Governors throughout the ages since our contact with the British Government. I hope you will permit me, Sir, to read a portion of an address which I had the honour to interpret on November 11th, 1937, on the occasion of the recognition of the present Awujale. It was delivered by Sir Donald Cameron :---

"The Jebus are a branch of the great Yoruba tribe who according to tradition sprung from Ife in ancient days. Like other branches of the Yorubas the Jebus have their own Chief, and they bestow on him the title of Awujale. He is selected in their own prescribed manner by the body of persons who according to their own customs ought to select him, and on presentation to the people and after certain ceremonies he becomes Awujale with the approval of the Government."

Now that you are in our midst we feel that you are the guest and we are the host and the policy of the ruling Houses to dictate who

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or who will not be their Chiefs should not be the responsibility of the Government.

In all Yoruba countries and I dare say in all parts of the Eastern Provinces as well, the people feel that it is an inroad into our sacred rights and we desire that Your Excellency will please do something to allay these fears. We feel that the appointment of Chiefs should be left to the people. I am conscious of the difficulties that attend the appointment of Chiefs, even by the people themselves. Wherever there is a Chieftaincy there is always scrambling for it. I think it is the people who fail to elect their own Obas and Chiefs that this Bill will affect. The Paramount Chiefs are affected by the Appointment and Deposition of Chiefs Ordinance. I opine that it is the recent case of a chieftaincy dispute at Ogbomosho that has brought out this Bill. I ask that this be not allowed to go through this House. If things go on at this rate the people will feel that they are being oppressed, and that their right is being taken away from them. I am appealing that the opportunity should be given to the people of observing their native law and custom if it is a sham, Government always lay emphasis on the expression-" according to your law and custom." when it suits them, but when it does not suit them, it is otherwise. I am, therefore, appealing to Government not to allow this Bill to go through but to consider the advisability of allowing the people to choose their own Chiefs.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo):

Your Excellency, I rise to support the last speaker on this subject. It seems to me as if Government is trying to deprive the people of their own age-long right to appoint their Chiefs. The appointment of Chiefs in Yoruba land is a very complicated matter. There are people that must be consulted, and there are certain persons who must perform certain rites and ceremonies, and if these things are not done, their appointment is not valid. Your Excellency will please consider the point very carefully and then allow our people to enjoy these age-long rights. It is only in cases where it is not possible for the people, I think, to appoint their own Chiefs, that the Governor should be given power to step in.

If it should be done by the Governor without referring to the Chiefs and without the people's knowledge, there may be so many things left out—the appointment of a Chief for our people may not be valid. Already the Governor has the right of veto. He has to recognise a Chief before he is allowed to occupy the stool. I think the Governor has the right to investigate properly if there is anything contrary to their native law and custom.

With these few remarks I shall be very thankful if the Government will please give us these ancient rights.

The Member for the Rivers Division (The Ven. and Hon. E. T. Dimieari):

Your Excellency, I must confess, Sir, that the title of this Bill staggered me when I first saw it, and I want to support the remarks made by the Honourable Members who have spoken before me.

In the Eastern Provinces, especially the part from which I come, the Chiefs are very jealous of their status and rights as Chiefs.

We know there might be reasons why this Bill should be brought before this House, but we have great respect for the Nigerian Government in that it respects the native laws and customs. This action will be, as it were, a very big blow to the native law and custom and it will weaken the position of our people more than ever.

I know there are causes for this Bill as I have said before, but I thought that perhaps the best way to do it might be that when there is a case at one time for the appointment or otherwise of a Chief, a time limit might be given to the people to elect their own Chief before Government may come in.

I do not know the Ordinance of 1930, but I beg, Sir, that the appointment and deposition of Chiefs should be left to be carried on in the way it has been done in the past: to remove that power from our people would weaken them greatly.

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

Your Excellency, I rise to support and associate myself with the sentiments expressed by the previous speakers on this question.

In the part I come from Chiefs are Chiefs by birth and not by appointment, so when the title of this Ordinance was announced, it caused much consternation among the people. I therefore wish to say that according to our native law and customs when a vacancy occurs in the rank of Chiefs and many claimants vie for the position, they generally conduct their election by their own method, very traditionally, and this has been very effective and has been approved from time to time by Government.

When a Chief succeeds to position and proves himself unworthy or becomes a barrier to the progress of the people, the other Chiefs will judge him according to their customary tradition and either suspend or depose him as the case may merit.

I suggest that to appoint and depose Chiefs by Government will upset the institution of the people and the Governor might be led to make mistakes. For instance, the Governor may appoint a person who by birth is not entitled to the position of chieftaincy, and some people may by unworthy means induce people or voters to their side and thereby succeed to the position of a chief. Whenever a person succeeds to a position by such a foul way, it stands to reason that he will abuse the position.

Council Debates

In my area, before the inauguration or introduction of Native Authority or Native Administration, a Chief was deposed by Government on the grounds which were deemed most insufficient by the other Chiefs and in the eyes of their traditional laws and customs; yet when Native Administration was actually introduced, that Chief held an important position in it. That is an anomaly. He functioned there and ruled his people, but Government said that they did not recognise his ruling; but the man went on ruling—and functioning, in the Native Administration until he died. The people were not satisfied with the action of Government.

Then there is the question of the Chiefs suffering reduction in status. I think, Sir, that that will create any amount of confusion in the system of Native Administration.

I am told further, Sir, that this law is not applicable to the Chiefs in our area who are appointed by themselves and who take their seats in the Native Administration, not as Chiefs of a particular area or areas. But the Ordinance announces the fact that the law would be operative throughout Nigeria.

If certain Chiefs in the West or North submit themselves to be appointed under the provisions of the Native Authority Ordinance, then let this law affect only those. Those who are not anxious or willing to be appointed to the position according to the Ordinance, should not be affected and I suggest, Sir, that a provisional clause be inserted in the Ordinance which will definitely lay down that only those Chiefs who function or are appointed under the provisions of the Native Authority Ordinance are effected by this Bill.

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

Your Excellency, I observe that the title of this Bill is "An Ordinance to amend the Appointment and Deposition of Chiefs Ordinance", an Ordinance of 1930. Well, Sir, there is not one Unofficial Member of this House, Sir, who can boast of having beenhere in 1930, and I think we should be given an opportunity to study this Bill side by side with that Ordinance of 1930. If it is given to us and we can have the advice of the Solicitor-General or Attorney-General before this Bill comes back to us next week, with your permission, Sir, we shall be able to go through it properly. We are anxious to study the Bill you have been using for so long, so if you will please grant permission, Sir, and give us a few days to study it with the Solicitor-General, and let him explain it carefully to us, I think we shall know what we are to amend.

The Hon. the Acting Chief Secretary to the Government :

I would like to say that this is a good suggestion, and I am prepared to accede to it and, with the Chief Commissioners and the Solicitor-General, I will do my best to explain the meaning of this Bill, about which there appears to have been a good deal of misunderstanding, which can be cleared up much more easily round a table than in full Council meeting.

I, or the Honourable mover of the Bill, will explain the meaning of the Bill, if we could postpone the second reading until one day next week. It would then come before the House for further consideration.

His Honour the Acting Chief Commissioner, Western Provinces :

I beg to move that the second reading of the Bill be postponed until some later date.

The Hon. the Acting Chief Secretary to the Government :

Perhaps it would be as well if I explained now the purport of the Bill. The present Ordinance provides that the Governor shall be the judge of the proper appointment of head chiefs in the Protectorate and of all chiefs in the Colony. The new Bill alters that in this way. It extends this power of the Governor to be the judge of the proper appointment of chiefs in the Colony and chiefs in the Protectorate but with this limitation, that it applies only to chiefs who are themselves Native Authorities or members of Native Authorities or of the Councils connected with Native Authorities. There is no intention whatever of interfering with the ordinary system and customs of appointment of chiefs. I myself have had a good deal of experience of these things, and in the Western Frovinces we have codified to a certain extent the custom relating to selection and appointment of chiefs: when a succession case arises the appointee, according to native custom, is submitted for Government recognition and approval. It is then for the Governor to judge whether all points of native law and custom have been properly followed in his selection.

As regards the question of deposition, the same limitation applies, that only chiefs who are Native Authorities or Members of Native Authorities or members of Native Authority Councils will be liable to deposition by the Governor; and they will not be deposed of course except for very good cause. A case may arise—there was one, two or three years ago, where it might have been necessary for the Governor to step in and depose a second-class chief. Actually the people took the matter into their own hands and, without any interference from the Governor, deposed this particular chief. But it might have been necessary for the Governor to step in and make use of this power to depose the chief.

His Excellency:

Would Honourable Members like to have this Bill postponed in order that they might have a talk with the Solicitor-General?

The Member for Calabar (The Rev. & Hon. O. Efiong): Yes, Your Excellency.

His Honour the Acting Chief Commissioner, Western Provinces: Sir, I beg to move that the second reading of this Bill be deferred until some day next week. Bill deferred.

THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General:

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

The Hon. the Senior Resident, Plateau Province :

I beg to second. Bill read a second time. Council in Committee. Enactment. Clauses 1 and 2. Title. Council resumed.

The Hon, G. L. Howe, Solicitor-General:

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

The Hon. the Senior Resident, Plateau Province:

I beg to second.

Bill read a third time and passed.

THE WILD ANIMALS PRESERVATION ORDINANCE, 1945

The Hon. the Senior Resident, Kano Province:

Sir, I beg to move the second reading of a Bill entitled : "An Ordinance to amend the Wild Animals Preservation Ordinance."

The Hon. the Senior Resident, Plateau Province:

I beg to second. Bill read a second time. Council in Committee. Enactment. Clauses 1 and 2. Title. Council resumed.

The Hon. the Senior Resident, Kano Province :

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

The Hon. the Senior Resident, Plateau Province:

I beg to second.

Bill read a third time and passed.

THE GOVERNMENT AND RAILWAY SERVANTS (WITHDRAWAL FROM PROVIDENT FUNDS) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to prohibit Government and Railway Servants from becoming Contributors to Provident Funds after the

Nigeria Legislative

1st day of April, 1945, and to Permit Persons being Depositors to withdraw from Certain Provident Funds."

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 11.

Title.

Council resumed.

The Hon. the Financial Secretary :

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

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a third time and passed.

The Hon. the Financial Secretary :

Sir, as a result of the passing of the last Bill another Bill, which does not appear on the Agenda but which has been published, becomes unnecessary. It is entitled "An Ordinance further to amend the Provident Funds Ordinance, 1943" and I ask leave of the Council to withdraw it.

Bill withdrawn.

THE NIGERIAN GOVERNMENT RAILWAY PENSIONABLE OFFICES (RETURN OF CONTRIBUTIONS—AMENDMENT) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to amend the Nigerian Government Railway Pensionable Offices Ordinance, 1943."

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

Council Debates

The Hon. the Financial Secretary:

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

The Hon. the Acting Deputy Chief Secretary:

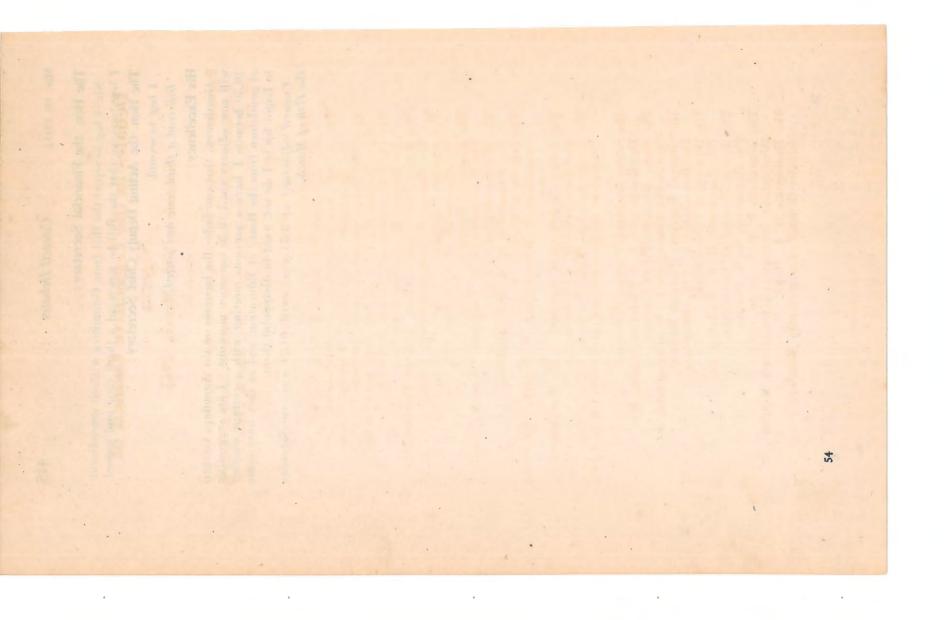
I beg to second.

Bill read a third time and passed.

His Excellency:

Gentlemen, that concludes the business on the Agenda. Council will now adjourn until 10.30 tomorrow morning. I am suggesting 10.30 because I have a previous meeting with a certain number of gentlemen from the Board of Education, and as they have come to Lagos for it I do not want to disappoint them.

Council adjourned at 3.53 p.m. until 10.30 a.m. on Saturday the 17th of March.



Debates in the Legislative Council of Nigeria Saturday, 17th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10.30 a.m. on Saturday, the 17th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor.

His Excellency Sir Arthur Richards, G.C.M.G. The Acting Chief Secretary to the Government,

The Honourable Sir Gerald C. Whiteley, C.M.G. The Chief Commissioner, Northern Provinces,

His Honour Sir John R. Patterson, K.B.E., C.M.G. The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.

The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.

The Attorney-General.

The Honourable H. C. F. Cox, K.c.

The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C. The Director of Education,

The Honourable R. A. McL. Davidson.

The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.

The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.

The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.

The Senior Resident, Plateau Province,

The Honourable J. J. Emberton, C.M.G., M.C.

The Senior Resident, Bornu Province,

Captain the Honourable E. W. Thompstone, M.C.

The General Manager, Nigerian Railway,

The Honourable A. J. F. Bunning. The Director of Public Works,

The Honourable H. E. Walker, C.B.E.

The Acting Director of Agriculture, The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G.,

Development Secretary (Extraordinary Member). The Honourable G. L. Howe,

Solicitor-General (Extraordinary Member),

The Honourable N. S. Clouston, O.B.E.,

- Commissioner of Lands and Director of Surveys (Extraordinary Member)
- The Honourable E. A. Miller,
- Commissioner of Labour (Extraordinary Member). The Honourable B. E. Frayling, O.B.E.,
- Chief Inspector of Mines (Extraordinary Member).
- The Honourable R. J. Hook, D.F.C.,
- Commissioner of the Colony (Extraordinary Member). The Honourable W. B. Dare,
 - Commissioner of Income Tax (Extraordinary Member). UNOFFICIAL MEMBERS

The Member for Calabar.

The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division,

Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C. The First Lagos Member

Alhaji the Honourable Jibril Martin. The Commercial Member for Lagos, The Honourable J. F. Winter.

The Second Lagos Member,

The Honourable Ernest Ikoli.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, o.B.E. The Member for the Cameroons Division,

The Honurable J. Manga Williams.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E. The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division,

The Honourable J. Ogboru.

The Third Lagos Member, The Honourable E. A. Akerele.

The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division,

The Honourable E. N. Egbuna.

The Member for the Ibibio Division,

The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E. The Comptroller of Customs and Excise,

The Honourable J. McLagan, O.B.E.

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

Council Debates

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C. The Resident, Onitsha Province,

The Honourable D. P. J. O'Connor, M.C. The Resident, Ilorin Province,

Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Commercial Member for Kano,

The Honourable W. T. G. Gates.

The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 16th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

ANNOUNCEMENTS

The Hon. the Acting Chief Secretary to the Government:

Your Excellency, there are two announcements to be made. The first relates to a resolution adopted by this Council on the 9th of March, in which it conveyed to the Secretary of State for the Colonies its thanks and appreciation of the grant made to Nigeria as contribution towards her Development and Social Welfare Programme.

That resolution was conveyed to the Secretary of State and a telegram has been received in reply, reading as follows:----

" Please convey to the Legislative Council the thanks of His Majesty's Government for the expression of its thankful appreciation of the contribution made under the Colonial Development and Welfare Act towards the cost of Nigeria Development Programme."

The second announcement relates to a telegram which, in accordance with this Council's wish, Your Excellency sent to the South-east Asia Command, conveying the greetings and good wishes of this Council to our troops fighting in Burma. We have received a reply to the telegram, reading as follows :---

"Your kind message much appreciated by all ranks of Nigerian forces. Their spirit is high and they are all looking forward to coming home after successfully defeating the Japanese."

PAPERS LAID

The Hon. the Acting Chief Secretary to the Government:

Your Excellency, I beg to lay on the table the following Papers:-

- Sessional Paper No. 7 of 1945—Report of the land and Survey Department for the period 1st April, 1943 to 31st March, 1944.
- Sessional Paper No. 8 of 1945—Report on the Nigerian Post Office Savings Bank for the year ending 31st March, 1943.

QUESTIONS

NOTE.—Replies to Questions Nos. 5 and 6 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 43, 53, 58 and 66 by the Honourable the Third Lagos Member, Nos. 79, 80, 83 and 86 by the Honourable the Member for the Oyo Division, No. 99 by the Honourable the Member for the Ibibio Division, Nos. 107 and 109 by the Honourable the Member for the Ijebu Division, Nos. 117, 118 and 120 by the Honourable the Second Lagos Member, Nos. 130 and 133 by the Honourable the Member for the Calabar Division, No. 145 by the Honourable the Member for the Rivers Division are not yet ready.

The Third Lagos Member (The Hon. E. A. Akerele):

46. (a) What are the grades (recommended by the Dods' Committee) for the following Native Treasuries:—

- (i) Abeokuta and Ibadan
- (ii) Oyo, Ijebu-Ode, Ekiti and Benin-City
- (iii) Ijebu-Remo, Ife, Ilesha, Ondo, Okitipupa, Ikale and Akoko

(b) What are the approved establishments in respect of Treasurers, Tax Clerks and Court Clerks of (i), (ii) and (iii)?

(c) What are the present scales of salaries approved for holders of the posts of Treasurers, Chief Tribute Clerks and Senior Court Clerks in (a) (i) (ii) and (iii)?

Answer-

His Honour the Acting Chief Commissioner, Western Provinces:

Native Adminis- tration	(a) Grade of Treasury recommen- ded by Dods Committee	(b) Approved Establishment	(c) Approved Scales of Salaries
(i) Egba	Grade I	1 Treasurer 17 Tax Clerks 32 Court Clerks	Treasurer, £310-15-400 (Super Scale). Chief Tribute Clerk, £140-10-220 (Grade I). Senior Court Clerk, £140-10-220
		32 Court Clerks	(Grade I).
Ibadan	Grade I	1 Treasurer 1 Chief-in-Charge of Tax.	Treasurer, £310-15-400 (Super Scale). Chief Tribute Clerk, £80-8-128 (Grade II).
		25 Tax Clerks 30 Court Clerks	Senior Court Clerk, £80-8-128 (Grade II).

Mar. 17, 1945] Council Debates

			-
	(a)	(b)	(c)
	Grade of		
Native	Treasury	Approved	a distant sector in the sector in the
Adminis-	recommen-	Establishment	Approved Scales of Salaries
tration	ded by Dods		
	Committee		
(ii)			and the state of the
Оуо	Grade II	1 Treasurer	Treasurer, £140-10-220 (Grade II):
		8 Tax Clerks	Chief Tribute Clerk, £80-8-128
			(Grade II).
		17 Court Clerks	Senior Court Clerk, £80-8-128
	11		(Grade II).
Ijebu	Grade II	1 Treasurer	Treasurer, £140-10-220 (Grade II).
		12 Tax Clerks	Chief Tribute Clerk, £80-8-128
			(Grade II).
		16 Court Clerks	Senior Court Clerk, £140-10-220
		(last 2 figures	(Grade I).
	200	include Ijebu-	a sublime to make a light to bail
A		Igbo Sub-	
		Treasury).	
Ekiti	Grade II	1 Treasurer	Treasurer, £140-10-220 (Grade II).
	1.0	5 Tax Clerks	Chief Tribute Clerk, £80-8-128
	11. The second	and the second second second	(Grade II).
		30 Court Clerks	Senior Court Clerk, £80-8-128
			(Grade II).
Benin	Grade II	1 Treasurer	Treasurer, £240-12-300 (Grade I). Chief Tribute Clerk, £80-8-128
		7 Tax Clerks	
		a sello i substa	(Grade II).
		37 Court Clerks	Senior Court Clerk, £48-6-72
	1		(Grade III).
(iii)			
Ijebu-	Grade III	1 Treasurer	Treasurer, £140-10-220 (Grade II).
Remo		2 Tax Clerks	Chief Tribute Clerk, £48-6-72
		10 .01 1	(Grade III).
		4 Court Clerks	Senior Court Clerk, £80-8-128
Ife	Grade III	1 Treasurer	(Grade II). Treasurer, £140-10-220 (Grade II).
lte	Graue III	A TTL OIL IN	Chief Tribute Clerk, £48-6-72
		4 I ax Clerks	(Grade III).
		5 Court Clerks	Senior Court Clerk, £24-3-30; £36-3-
		o court crome tr	48 (Grade IV).
Ilesha	Grade III	1 Treasurer	Treasurer, £.140-10-220 (Grade II).
		4 Tax Clerks	Chief Tribute Clerk, £48-6-72
			(Grade III).
		7 Court Clerks	Senior Court Clerk, £48-6-72
			(Grade III).
Ondo	Grade III	1 Treasurer	Treasurer, £80-8-128 (Grade III).
		3 Tax Clerks	Chief Tribute Clerk, £24-3-30; £36-
			3-48 (Grade IV).
		6 Court Clerks	Senior Court Clerk, £24-3-30; £36-
01	Carl TT	1 5	3-48 (Grade IV).
Okitipupa	Grade IV	1 Treasurer	Treasurer, £80-8-128 (Grade III).
		3 Tax Clerks	Chief Tribute Clerk, £24-3-30; £36-
		6 Court Clark	3-48 (Grade IV).
	1.1	6 Court Clerks	Senior Court Clerk, £24-3-30; £36-
Ikale	Grade IV	1 Treasurer	3-48 (Grade IV). Treasurer, £80-8-128 (Grade III).
INGIC	Glade IV	1 711 C11 . 1	Chief Tribute Clerk, £24-3-30; £36-
		4 I ax Clerks	
	the local with	7 Court Clerks	3-48 (Grade IV). Senior Court Clerk, £24-3-30; £36-
		COULT CICIES	3-48 (Grade IV).
Akoko	Grade IV	1 Treasurer	Treasurer, £80-8-128 (Grade III).
TRUEU	Crude 14	2 Tax Clerks	Chief Tribute Clerk, £48-6-72
		- Aux Olding	(Grade III).
		7 Court Clerks	Senior Court Clerk, £48-6-72
			(Grade III).
		I	

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The Third Lagos Member (The Hon. E. A. Akerele):

47. What is the relationship of the Chief Commissioner, Northern Provinces, to the Native Administration Staffs of those areas, with reference to matters relating to representations from the latter?

Answer-

The Hon. the Acting Chief Secretary to the Government :

The Chief Commissioner, Northern Provinces, receives and considers representations from the staffs of the Native Authorities in those provinces. Such representations when addressed to His Honour come through the Native Authorities and then to the District Officer and Resident.

The Third Lagos Member (The Hon. E. A. Akerele):

49. Is His Excellency aware that His Honour the Chief Commissioner, Northern Provinces, is unwilling to negotiate with a recognised Trades Union Organisation in this country, because it is alleged, he claimed not to be an employer of labour in a particular sense?

Answer-

The Hon. the Acting Chief Secretary to the Government :

His Excellency is aware that the Chief Commissioner of the Northern Provinces, whose attention was directed in a letter from the General Secretary of the Federal Union of Native Administration Staffs of Nigeria to a memorandum of which he had received no copy and was asked what he was doing to bring about the changes and improvements in the conditions of employment of staff the memorandum apparently sought to bring about, replied that he is not the employer of Native Authority staffs and that it would not be appropriate for him to take action on representations from the Union unless they were submitted through the native authorities concerned. The procedure indicated in the Chief Commissioner's reply is considered correct by Government.

MOTION

His Excellency:

The following motions stands in the name of the Honourable the Commercial Member for Lagos :---

" Be it resolved:

That this House congratulates the designers of Sessional Paper Number 6 of 1945 and expresses its full appreciation of the contents and all that it implies. It accepts the Development Policy set out therein as the Government's policy for the immediate future and from which there shall be no turning back."

Is the Honourable Member here?

Clerk of Council:

No, Sir.

Council Debates

The First Lagos Member (Alhaji the Hon. Jibril Martin):

Your Excellency, I do not know whether this motion can be moved in the absence of the Honourable the Commercial Member for Lagos.

His Excellency:

With the permission of the House, if the Honourable Member wishes to move it, it will be in order. Is that agreeable, Gentlemen,

Honourable Members:

Yes.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

Your Excellency, the motion down in the name of the Honourable the Commercial Member for Lagos reads as follows :---

" Be it resolved:

That this House congratulates the designers of Sessional Paper Number 6 of 1945 and expresses its full appreciation of the contents and all that it implies. It accepts the Development Policy set out therein as the Government's policy for the immediate future and from which there shall be no turning back."

I think the motion is clear enough, and I have much pleasure in rising to move the motion.

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

Your Excellency, I beg to second.

His Excellency:

The question is that the Resolution be adopted. Those in favour say "Aye", those against "No". The "Ayes" have it.

Resolution adopted unanimously.

BILLS

THE FORCED LABOUR (AMENDMENT) ORDINANCE, 1945

The Hon. E. A. Miller (Commissioner of Labour):

Sir, I rise to give notice of withdrawal of a Bill entitled:

"An Ordinance to amend the Forced Labour Ordinance, 1933 ".

This amending Ordinance, Sir, applies the provision of section 13 of the existing Forced Labour Ordinance to certain Native Authorities in the Colony, and it was prepared at the time when it was considered necessary. In the meantime, the Labour Code which provides everything that is required has passed this House and it is no longer necessary to proceed with this amending Ordinance. May I have, therefore, the permission of this House to withdraw the Bill standing in my name.

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His Excellency:

The question is that permission be given to withdraw this Bill. Those in favour say "Aye", those against "No". The "Ayes" have it.

Bill withdrawn.

(Second and Third Readings)

THE PUBLIC LANDS ACQUISITION (AMENDMENT) ORDINANCE, 1945.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

"An Ordinance to amend the Public Lands Acquisition Ordinance ".

The Hon. the Attorney-General:

I beg to second.

Bill read a second time. Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 2. Clause 3.

Clause 4.

Clause 5.

Title

Council resumed.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary): Sir, I beg to report the Bill from Committee without amendment.

I beg to move that the Bill be now read a third time and passed.

The Hon. the Attorney-General:

I beg to second.

Bill read a third time and passed.

THE CROWN LANDS (AMENDMENT) ORDINANCE, 1945

The Hon. F. E. V. Smith, C.M.G. (Development Secretary): Sir, I beg to move the second reading of a Bill entitled:

"An Ordinance to amend the Crown Lands Ordinance ".

The Hon. the Attorney-General:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Title.

Council resumed,

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The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

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

The Hon. the Attorney-General :

I beg to second.

Bill read a third time and passed.

THE WAR PENSIONS (AMENDMENT) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to amend the War Pensions Ordinance, 1943".

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3.

The Hon. the Financial Secretary :

Sir, I have an amendment to make to clause 3. I beg to move that the following paragraph (e) should be added to the new section 2A(2)(d) introduced by clause 3 of the Bill:—

(e) the delegation by the Governor to any person or body of persons, whether within or without Nigeria, of all or any of the powers or duties imposed or conferred upon the Governor by such regulations.

It is necessary, Sir, to enable the Governor to delegate some other authorities such as the Crown Agents for the Colonies the powers to assess and award pensions under this Ordinance. Some of the Nigerian war pensioners may be resident in the United Kingdom and they cannot be conveniently considered here.

The Hon. the Attorney-General:

I take it that paragraph (e) is a new one.

The Hon. the Financial Secretary :

It was a new paragraph (e) to clause 2A (2) (d) introduced by clause 3 (a) of the Bill.

The Hon. the Attorney-General:

May I just point out that it will entail a consequential amendment to clause 3 (2A) (1) of the Bill, except by putting it below.

Amendment approved,

Clause 4.

Clause 5.

Title.

Council resumed.

The Hon. the Financial Secretary :

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

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE CRIMINAL PROCEDURE ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to make provision for the procedure to be followed in Criminal Cases in the Supreme and Magistrates' Courts ".

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

The Hon. the Attorney-General:

Sir, as I mentioned yesterday, I propose to ask that this Bill be referred to a Select Committee. I beg, therefore, to move that the Bill which has just been read a second time be referred to a Select Committee.

His Excellency:

Is it not better to ask for that in Committee?

The Hon. the Attorney-General :

I shall make the motion in Committee.

Council in Committee.

The Hon: the Attorney-General :

Sir, I beg to move that the Bill entitled :

"An Ordinance to make provision for the procedure to be followed in Criminal Cases in the Supreme and Magistrates' Courts "

be now referred to a Select Committee.

His Excellency:

The question is that this Bill be referred to a Select Committee. It is proposed that the Select Committee should consist of :---

The Honourable the Attorney-General (Chairman)

The Honourable the Senior Resident, Bornu Province

The Honourable G. L. Howe, Solicitor-General

The Honourable the First Lagos Member

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The Honourable the Member for the Ondo Division The Honourable the Member for the Ibo Division. Bill referred accordingly.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to a Select Committee. I suggest the same Select Committee to deal with all these Bills, Sir.

His Excellency:

The question is that the Bill be referred to a Select Committee which is the same as the previous one.

. Bill referred accordingly.

THE CHILDREN AND YOUNG PERSONS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Children and Young Persons Ordinance, 1943."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time. Council in Committee.

Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency:

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE MAGISTRATES' COURTS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time. Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency:

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE EVIDENCE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Evidence Ordinance, 1943."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency:

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE MAGISTRATES' COURTS (APPEALS) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to regulate Appeals to the Supreme Court from the Adjudications and Decisions of Magistrates' Courts."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency :

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE SHERIFFS AND ENFORCEMENT OF JUDGMENTS AND ORDERS ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to make provision for the Appointment of Sheriffs, the Execution of their Duties and for the Enforcement of Judgments and Orders."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Attorney-General :

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency:

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE MAGISTRATES' COURTS (CIVIL PROCEDURE) ORDINANCE, 1945 The Hon, the Attorney-General:

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

"An Ordinance to make provision for the Practice and Procedure in Magistrates' Courts in actions for the recovery of Debts and Demands and in actions for Damages and for other Causes within the Civil Jurisdiction of Magistrates' Courts."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time. Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency:

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE RECOVERY OF PREMISES ORDINANCE, 1945

The Hon. the Attorney-General ;

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

"An Ordinance to make provision for the Recovery of Possession of Premises."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time. Council in Committee.

The Hon: the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

His Excellency:

The Bill will be referred to the same Select Committee. Bill referred accordingly.

THE POLICE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Police Ordinance, 1942."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Attorney-General:

Sir, I beg to move that the Bill be referred to the same Select Committee.

It is not one of the Judicial Bills, but it is so closely related to the provisions of the Magistrates' Courts Ordinance, the Sheriffs and Enforcement of Judgments and Orders Ordinance and others, that I suggest that it be dealt with by the same Select Committee which is to deal with those Bills. I say this, because the operation of this amending Bill is dependent upon the enactment of the Criminal Procedure Ordinance, and they must go together. I take it, therefore, that the Council will agree that the Bill be referred to the same Select Committee.

I suggest, too, that the Select Committee should have the privilege of making minor typographical amendments without referring to the Council. That has been the practice in the past, Sir.

His Excellency:

The question is that the Bill be referred to the same Select Committee.

Bill referred accordingly.

THE INCOME TAX (AMENDMENT) ORDINANCE, 1945

The Hon. W. B. Dare (Commissioner of Income Tax):

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

"An Ordinance to amend the Income Tax Ordinance, 1943." The Hon. the Financial Secretary:

I beg to second.

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

Your Excellency, in connection with the assurance given by the Honourable Commissioner for Income Tax that the procedure he introduced or promised at the last session of this Council will continue until the Income Tax law has been amended in

accordance with the proposed procedure at home, I feel satisfied that you will see that these instructions are carried out.

Bill read a second time. Council in Committee. Enactment. Clause 1. Clause 2.

The Hon. W. B. Dare (Commissioner of Income Tax):

Your Excellency, at the first reading of this Bill I explained that certain matters had come to my knowledge since the Bill was published which made it desirable that some of the clauses of the Bill should be deleted in view of possible negotiations which might be commenced at a later date. This is one of the clauses, and I therefore beg to move that clause 2 be deleted from the Bill.

Clause 2 deleted. Clause 3, renumbered 2. Clause 4, renumbered 3.

The Hon. W. B. Dare (Commissioner of Income Tax):

Your Excellency, I beg to move that this clause be deleted from the Bill.

Clause 4 deleted. Clause 5, renumbered 3.

The Hon. W. B. Dare (Commissioner of Income Tax):

Your Excellency, I beg to move that this clause be amended by deleting paragraph "t" thereof and by renumbering paragraph "u" as paragraph "t" and by deleting the letter "s" from the word "paragraphs" occurring therein.

Amendment approved. Clause 6, renumbered 4. Clause 7, renumbered 5. Clause 8.

The Hon. W. B. Dare (Commissioner of Income Tax):

Your Excellency, I beg to move that the whole of clause 8 be deleted from the Bill.

Clause 8 deleted. Títle. Council resumed.

The Hon. W. B. Dare (Commissioner of Income Tax):

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

The Hon. the Financial Secretary:

I beg to second.

Bill read a third time and passed.

THE NIGER LANDS TRANSFER (AMENDMENT) ORDINANCE, 1945 The Hon. the Attorney-General:

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

"An Ordinance to amend the Niger Lands Transfer Ordinance."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 3.

Clause 4.

The Hon. the Attorney-General:

Clause 4, Sir. I invite attention to the new section 10 (1), the last line but one of that sub-section. The word "as" has been left out, and I beg to move that this word be inserted.

There is another amendment in this clause, Sir. The last section printed on page 4 is numbered 16. It should be 15. I therefore beg to move that "15" be substituted for "16."

Amendment approved.

Title.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE IMMIGRATION ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance relating to Immigration."

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 6.

Clause 7.

The Hon. the Attorney-General:

Sir, the Honourable Commercial Member for Port Harcourt pointed out to me, in connection with clause 7, that there was no provision for informing the Master of a ship he has a prisoner he has to keep on board, no provision in writing. If Government is prepared to alter this it will necessitate an amendment in the last sentence in clause 7 at the top of page 6. Sir, I beg to move that

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this clause be amended by inserting the word "forthwith" after the word "likewise" in that sentence.

Amendment approved.

Clauses 8 to 29.

Title.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. R. J. Hook, D.F.C. (Commissioner of the Colony):

I beg to second.

Bill read a third time and passed.

THE PATENTS, DESIGNS, COPYRIGHT AND TRADE MARKS (EMERGENCY) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to make such special provision with respect to Patents, Registered Designs, Copyright and Trademarks, as is expedient to meet any Emergency which may arise as a result of War."

The Hon. the Senior Resident, Bornu Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 11.

Title.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. the Senior Resident, Bornu Province :

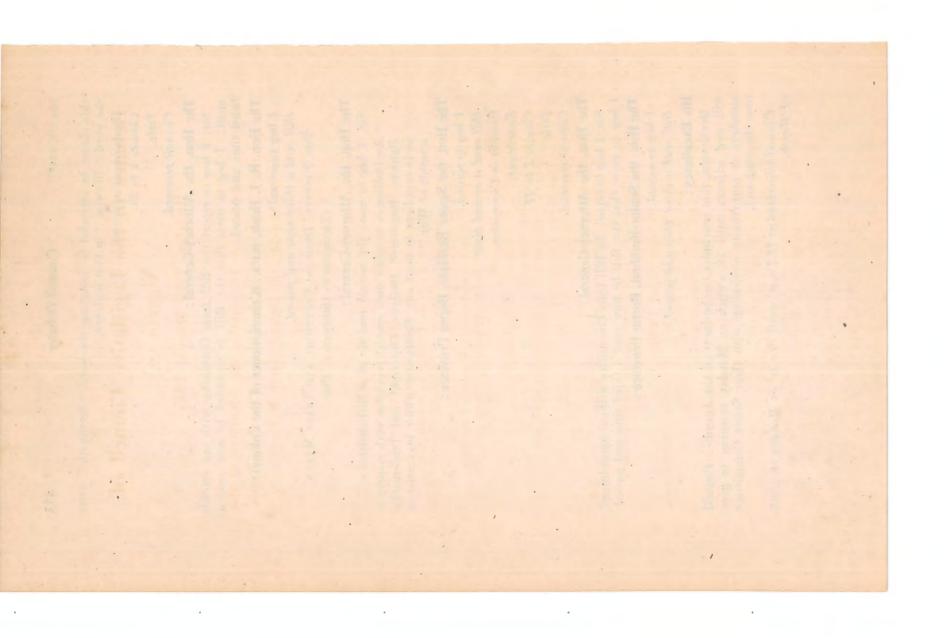
I beg to second.

Bill read a third time and passed.

His Excellency :

Gentlemen, that concludes the business on the Agenda. Council will now adjourn until 10 o'clock on Monday morning to give members an opportunity of dealing with their Select Committees over the week-end.

Council adjourned at 11.5 a.m. until 10 a.m. on Monday the 19th of March.



Debates in the Legislative Council of Nigeria

Monday, 19th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Monday, the 19th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G. The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, C.M.G. The Chief Commissioner, Northern Provinces, His Honour Sir John R. Patterson, K.B.E., C.M.G. The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G. The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G. The Attorney-General. The Honourable H. C. F. Cox, K.C. The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C. The Director of Education, The Honourable R. A. McL. Davidson. The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R. The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby. The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, c.M.G.; D.S.C., R.N. The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C. The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning. The Director of Public Works, The Honourable H. E. Walker, C.B.E. The Acting Director of Agriculture, The Honourable A. G. Beattie.

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The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member).

The Honourable G. L. Howe,

- Solicitor-General (Extraordinary Member). The Honourable N. S. Clouston, O.B.E.,
- Commissioner of Lands and Director of Surveys (Extraordinary Member).
- The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member).
- The Honourable B. E. Frayling, D.B.E., Chief Inspector of Mines (Extraordinary Member).
- The Honourable R. J. Hook, D.F.C.,

Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar, The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division.

Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C.

The First Lagos Member,

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos, The Honourable J. F. Winter.

The Second Lagos Member,

The Honourable Ernest Ikoli.

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

The Member for the Cameroons Division, The Honurable J. Manga Williams.

The Member for the Ondo Division. The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member, The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

The Third Lagos Member, The Honourable E. A. Akerele.

The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division,

The Honourable E. N. Egbuna.

The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division, The Rev. and Honourable Canon S. A. Delumo.

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ABSENT

OFFICIAL MEMBERS

The Director of Medical Services,

Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.

- The Comptroller of Customs and Excise, The Honourable J. McLagan, o.B.E.
- The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.
- The Senior Resident, Zaria Province, The Honourable F. M. Noad.
- The Senior Resident, Calabar Province, Major the Honourable H. P. James.
- The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.
- The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.
- The Resident, Ilorin Province, Captain the Honourable J. P. Smith.
- The Resident, Ondo Province, The Honourable E. V. S. Thomas.
- The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.
- The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 17th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

PAPERS LAID

The Hon. the Financial Secretary :

Sir, I beg to lay on the table the following paper :---

Report of the Select Committee of Legislative Council appointed to consider the Draft Estimates of Revenue and Expenditure for the year 1945-46.

QUESTIONS

NOTE.—Replies to Questions Nos. 5 and 6 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 53, 58 and 66 by the Honourable the Third Lagos Member, Nos. 79, 80, 83 and 86 by the Honourable the Member for the Oyo Division, No. 99 by the Honourable the Member for the Ibibio Division, No. 107 by the Honourable the Member for the Ijebu Division, Nos. 117, 118 and 120 by the Honourable the Second Lagos Member, Nos. 130 and 133 by the Honourable the Member for the Calabar Division are not yet ready.

The Third Lagos Member (The Hon. E. A. Akerele):

43. Will the Honourable the Chief Secretary to the Government kindly draw up a comparative schedule of posts—clerical and technical—existing in the Native Administration Service with their rates of salaries as well as their counterparts in the Central Government Service, for the information of this Honourable Council?

Answer-

The Hon, the Acting Chief Secretary to the Government:

It is necessary to correct the Honourable Member's apparent impression that there is a single service that can be designated the Native Administration Service. The position is that there are the clerical and technical staffs of the recognised Native Authorities ; that employees of these staffs are accorded conditions similar to those enjoyed by Government servants when persons of equivalent qualifications discharge the duties of posts in a Native Administration that are the same as those of a corresponding post in Government. A great many posts in the Native Authorities' staffs have been placed in the same grades as the corresponding posts in Government service: but the Native Administrations show a great diversity of size, stage of development and needs in the matter of staff and some posts cannot be equated to similar posts in Government service. The salaries of these have been fixed by Native Authorities with the approval of the Chief Commissioner after careful consideration of all the factors involved. The preparation of a schedule such as the Honourable Member suggests would absorb the time of a great many of both the Native Authorities' and Government clerical staffs and as the information which the Honourable Member seeks will be available by comparison of the Government and the Native Treasury Estimates for 1945-46 it is not proposed, Sir, to undertake the compilation of a schedule.

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

109. May I ask if the Government would make a statement in regard to the following :----

(a) What is the total cost to this country in salaries, passages, allowances, etc., of the Marketing Office since its inception up to March, 1945?

(b) What commodities, the products of Nigeria, have been marketed through that Office, and the amount realised to end of 1944?

(c) What exactly are the nature of the benefits derived directly from the existence of this Office by the farmers and people of this country generally.

(d) Why was it necessary for the African Assistant Marketing Officer to resign his post, and has his place been filled, if so, by whom, and at what rate of pay, if not, why not?

Answer-

The Hon. the Acting Chief Secretary to the Government :

(a) The total expenditure from November, 1939, to February, 1945, was £9,722 0s 11d.

(b) A wide range of commodities have been marketed; they number 260, and many of them are classified into numerous subdivisions. A few of the main commodities are:—

Adhesives, Brushes, Canework, Local Cotton Goods, Hardware, Farm Products, Spices, Leatherwork, Skins, Pottery, Twines and Ropes, Carvings, etc., etc.

The gross turnover since the inception of the Trading Suspense Account-Marketing Officer for the period 1.4.42 to 30.11.44 is £64,950. Figures for December, 1944, are not yet available.

(c) The office finds additional markets and outlets for the sale of locally made products which would not otherwise be available to producers. By purchasing direct from producers maximum prices and prompt payment are assured them; contact is close and the Department is in a position to advise how and to what extent their products should be improved in order to retain and increase the markets found for them.

(d) The African Assistant Marketing Officer resigned voluntarily; when tendering his resignation no reasons were given.

Miss M. E. Broughton has been selected to fill the vacancy on the salary scale £400, £400, £450-25-600-30-720.

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

145. To ask the Honourable the Chief Secretary to the Government:-

(a) Did Government, in 1943, decide on paying arrears of subsidy to the nine Opobo Chiefs and resuming payment quarterly on indemnity given by the Chiefs according to paragraph 3 of letter No. OD48/2/16A of 11th March, 1943, by the District Officer, Opobo?

(b) Having signed, sealed, and delivered at the office of the Magistrate, Full Powers (Opobo) on the 6th August, 1943, the indenture of indemnity drawn up by the Law Officers of the Government, what further withholds payment to the nine Chiefs, the indemnity being given according to the decision of Government?

(c) Is the Government in receipt of petition dated 25th November, 1944, on "Opobo Town Subsidies" by the Opobo Chiefs and addressed to His Lordship the Secretary of State for the Colonies?

(d) Has the petition been transmitted to His Lordship? What is the reply, if any?

Answer-

The Hon. the Acting Chief Secretary to the Government:

(a) No, Sir; but Government has recently submitted a proposal for the consideration of the chiefs that payment should be made in this manner.

(b) Does not arise.

(c) Yes, Sir.

(d) Yes. A reply is awaited

BILLS

(Second and Third Readings)

THE APPOINTMENT AND DEPOSITION OF CHIEFS (AMENDMENT) ORDINANCE, 1945

His Honour the Acting Chief Commissioner, Western Provinces:

Sir, concerning the above Bill standing in my name, I have to report that, in consequence of the request of the Reverend and Honourable Member for the Colony, the Honourable the Chief Secretary to the Government, His Honour the Chief Commissioner, Eastern Provinces, the Honourable the Solicitor-General and myself met Honourable Unofficial Members in order that we might discuss and clarify amongst ourselves the meaning of this Bill, to clear up any misunderstandings that there might still be in the minds of Members themselves, and to enable them clearly to understand so that they could pass on to the people they represent just what is the intention of the original Ordinance and of the amending Bill.

I am happy to say that I believe Members are now satisfied that this Bill be a valuable addition to the Statute Book. There are two amendments to the original Ordinance, and these amendments have received the support of the Unofficial Members with whom we discussed them, and they have also been vetted from the legal point of view by the learned and Honourable Member for the Ibo Division. These amendments merely place on the Statue Book what in practice was always true. In the case of a dispute regarding the chieftaincy-a dispute as to what is native customary law governing it-Your Excellency will, as sole judge of the native law concerned, consult the authorised persons and make due enquiry before acting as sole judge of what is native law and custom. I repeat, this is what in fact is always done, but clarification will result by placing it on the Statute Book. In the same way, in the case of the deposition of a Chief, Your Excellency will make due enquiry and consult with the persons concerned in the appointment or deposition of a chief before taking action.

In accordance with the universal request of all Unofficial Members, we have prepared a statement which it is proposed to give to the Public Relations Officer for publication and which, with Your Excellency's permission, I will read. This statement I

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think will elucidate for the benefit of the public all these matters which have so confused them, and will also be helpful to many of the papers who made statements about this Bill which are in fact quite incorrect. The statement reads as follows:—

There has been a good deal of misunderstanding and apprehension regarding the intention and meaning of the Bill amending the Appointment and Deposition of Chiefs Ordinance (No. 14 of 1930). The same apprehension was evident when the original Ordinance was introduced. The impression exists and has been ventilated in the press and by Members of Legislative Council that the object of this Bill, and of the original Ordinance is to give the Governor power to appoint a chief with or without the consent of the people concerned. This is entirely without foundation. The right to appoint a chief remains as always in the hands of those to whom native law and custom give that right. In cases where, for one reason or another, native law and custom fail to operate. the Governor may appoint a person, not as a chief, but to perform certain essential functions of a chief, pending such time as the selectors, in accordance with custom, carry out their duties of selection. There is no power whatever vested in the Governor, arbitrarily to appoint a chief.

Where there is a dispute, as to the correct interpretation of native custom, for instance, the Governor, after consultation with the persons concerned and due enquiry having been made, is constituted the sole judge of what is native law and custom and of the correctness or otherwise of the claim of any person to have been rightly appointed a chief. Here again the Governor does not appoint the chief, he merely decides, in case of dispute, whether the person has been properly appointed by the people whose duty it is to appoint him, and this he can only do by consulting the selectors and those persons versed in the customary law concerned.

A chief or headchief is defined in the Interpretation Ordinance as: —" Chief " or " Native Chief ", means any native whose authority and control is recognised by a native community, and " Head Chief " means any Chief who is not subordinate to any other Chief or Native Authority—and the operation of this Ordinance is limited to those chiefs who are members of a Native Authority or associated with a Council or members of a Council. A community as used in this definition means a community of families all of which are not inter-related and would not include titular family heads such as are to be found in parts of the Eastern Provinces and who do not, therefore, come within the scope of this Bill.

In cases where native law and custom demand the removal of a chief or where his removal is required in the interests of good government, the Governor is given power to remove him, but he will only do so after consultation with the persons concerned with his appointment and removal.

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That is the article which it is proposed to have published in order that everyone may understand quite clearly what is the intention not only of the amending Bill, but of the original Ordinance. Any Members of Council who would like to have copies for their own benefit or for distributing to people interested will be able to get them in due course from the Public Relations Office.

I now ask, Sir, that standing orders be suspended, and ask the leave of the House to introduce two amendments to the existing Ordinance as follows:—

- (1) Delete sub-section (2) of section 2, and substitute the following: (2) In the case of any dispute the Governor, after due enquiry and consultation with the persons concerned in the selection, shall be the sole judge as to whether any appointment of a chief has been made in accordance with native law and custom.
- (2) Section 4. After the word "Governor" insert the expression ", after due enquiry and consultation with the persons concerned in the selection,"

Standing Orders suspended.

His Honour the Acting Chief Commissioner, Western Provinces: Sir, I beg to move that this Bill be read a second time.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Clause 3.

His Honour the Acting Chief Commissioner, Western Provinces: Clause 3, Sir. I beg to move that this clause be deleted and the following substituted:—

- "3. Section 2 of the principal Ordinance is hereby amended:-
 - (a) By deleting the expressions "in the Colony" and "in the Protectorate" where they occur therein and
 - (b) By deleting sub-section (2) and substituting the following therefor: ---
 - " (2) In the case of any dispute the Governor, after due enquiry and consultation with the persons concerned in the selection, shall be the sole judge as to whether any appointment of a chief has been made in accordance with native law and custom."

Amendment approved. Clause 4. Clause 5. Council Debates

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His Honour the Acting Chief Commissioner, Western Provinces: Clause 5, Sir. I beg to move that this clause be deleted and the following substituted :---

- "5. Section 4 of the principal Ordinance is hereby amended:-
 - (a) By inserting after the word "Governor" the expression ", after due enquiry and consultation with the persons concerned in the selection," and
 - (b) By deleting the expression "in the Colony and any head chief in the Protectorate" where it occurs therein and substituting the words "or any head chief" therefore.

Amendment approved.

Clause 6.

Clause 7.

Title.

Council resumed.

His Honour the Acting Chief Commissioner, Western Provinces:

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

The Hon. the Senior Resident, Kano Province:

I beg to second.

Bill read a third time and passed.

THE MINERALS ORDINANCE, 1945

The Hon. G. L. Howe, Solicitor-General:

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

"An Ordinance to amend and consolidate the law relating to Mines and Minerals."

The Hon. B. E. Frayling (Chief Inspector of Mines):

I beg to second.

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

Your Excellency, I rise to support this Bill but, I must say, only just. In the Objects and Reasons it correctly states that this Bill is to a large extent the consolidation of amendments to the existing Ordinance. That is so: it really, in round terms, tidies up the old Ordinance and its amendments. But there is one very revolutionary alteration in the Ordinance, and that is the matter of restoration. It is understandable that something should be done in this matter, and something can be done. But I think it is necessary that I should make some observations on this matter as there has been a certain amount of loose talk about it and I don't think it is generally understood what is involved. Personally I cannot believe that the Government wishes to throttle the mining industry, it is too good a revenue producer. The mining industry spends very large sums of money in this country on import duties, royalties, rents, and disburses over one million pounds per annum in wages in this country. That is a considerable amount, Sir. The mining "goose", as one might call it, has in the past laid many golden eggs, but if this matter of restoration is unduly and too rigidly enforced those eggs naturally are going to deteriorate very much in size and quantity. A high authority once stated as regards mining, Sir, that "the mining industry is an essential ingredient of our culture and life in every continent of the world." And he was a man of vast colonial and world experience.

Your Excellency, I consider that the success of the future Development schemes which have been introduced in this House at this meeting will depend a very great deal upon confidence all round-confidence between Industry and Government, and naturally vice versa. Now, the life or death of the mining industry really hangs on this word " reasonable ", and naturally what will be the Government interpretation of the word " reasonable ". Well, Governments do change, at least officials change, and in fact I think it is not unreasonable if I say that " no one Government is really alike." If the industry is to have sufficient confidence and is to attract new capital into the country which is always required it must have confidence in the Government. It was unfortunate, Sir, when so much hangs on this word " reasonable ", that Government should commit two acts of unreasonableness in connection with this very Bill. First, I think it might reasonably have approached the mining industry before drafting the Bill, to investigate what it really all meant, what the implications were, and what was involved. And secondly, I think that the mining industry should have been given more time to really consider the implications and what was involved and what it meant to the mining industry. I consider, Sir, that confidence has been strained. It would be essential for the Government to enforce the Restoration clause with consideration and in a broadminded and fair way. I will say that the speech of the Honourable the Solicitor-General, when introducing the Bill, did something to allay the fears of the mining industry, and I trust to-day we will get further assurance.

The mining industry during the war has, I think it will be acknowledged, made its greatest effort towards maximum production, as it naturally should, and this has meant tearing the very eyes out of properties. All the richest ground has now gone during the past four to five years. Well, Sir, I know that sacrifice is small compared to what hundreds of thousands are making in the front line, but the position is now this. The plums are off the tree, and the grade of ground left to be worked in the future is very much lower than it was pre-war. This means that the production costs will be very much higher than pre-war, and it is really assistance and sympathy that the mining industry wants, and not harsh legislation.

When people talk about farm land being alienated to mining, the quantity of farm land disturbed by mining is not really so great as many people imagine. If all the ground disturbed by mining—I am talking of tin mining now—if all the ground disturbed by tin mining was farming ground, it would only be 0.2 per cent of the total farming land. The rate of increase of the farming population there—the Pagans—is 50 times that; at least Government figures estimate it at 50 times that rate. So that by even ceasing mining it would only have a very minor beneficial effect on the actual trouble. Government should think of something else, and may say they would improve the methods of farming, or, a point that Government wont like, introduce migration. However, that is a matter for the future.

Now, in the Objects and Reasons it says—" In addition power has been taken to require by order restoration work to be carried out in respect of work done on existing rights or leases where mining operations are carried on after the date on which this Bill comes into operation ".

Well, Sir, I have said that the average grade of all reserves now is very much lower than it was before, and there are few cases, if any-I know of none and I know the minesfield pretty well-where it will be economic to produce the tin if refilling is enforced, where refilling is not a part of the normal operation of mining. Now after this Bill becomes law the mineowner must go to Government, cap in hand, and say "I want to start a mine up here. I have held this land for 25 to 30 years, paid my rent regularly ". If Government insist that that land must be refilled and restored it puts that piece of land completely out of economic working. It cannot be done. There are places, Sir, where refilling is to a considerable extent carried out in the normal course of work. Those of you who have seen a minesfield will understand that. Say you start by making a hole in the ground, you take the tin out, you make another hole and put the surplus earth into the original hole. But you probably finish up with an unfilled hole. There are possibilities there where the surface soil can be put to one side before mining operations take place, and that can be replaced on the site where it came from, or it can be put somewhere else where it would be of use in increasing the goodness of a piece of farm land or making a new one. But, Sir, if Government insists that these pieces of ground are not to be worked unless refilled the ground becomes worthless to the company or mine owner who has paid the rent for many years and has spent very large sums of money on the development of that area, (apart from the original purchase of plant) on construction of dams and so on, through which he intends to work that ground,

Now, Sir, that is not reasonable. There are cases where something can be done, where surface soil can be replaced on areas that are filled up in the normal course of events. This will certainly be more costly than the present mining methods. But the mine owner is not the only person who makes something out of these excavations. There are the receivers of royalties who gain by the work, and I suggest, Sir, that they contribute something towards the cost of this restoration. I suggest that this is reasonable.

There is one point I would mention here which may not be generally known to Honourable Members, that the majority of the large producers, which means the majority of the people, who make the most excavations, are on contract to the Ministry of Supply. That means that any extra costs are paid by the Ministry of Supply, who are the British taxpayers, who really in effect will pay twice.

Now, Sir, it may interest Honourable Members if I give them an example of how the refilling and restoration might make mining impossible. It is purely a matter of simple arithmetic. Honourable Members may know that the tin, which consists of grains of tin oxide, exists sometimes in the grass roots, and which, if treated with water in order to extract the tin, of course cannot be restored unless you bring new ground from somewhere else. Most of us bring soil for our own garden patches, but on nothing like the scale required to replace the shallow tin workings on the Plateau. In other places your tin bearing ground, which may be only one or two feet thick, lies under anything from 30 to 160 feet of overburden, which is worthless. Now when I talk about one pound ground, about the best average value you can expect from tin mines now. I mean that for every yard you excavate you will eventually get one pound weight of tin oxide. You may work for months and months in removing that overburden until you get down to the bottom, and just above bedrock lies the tin. If you take one acre of ground on which according to your prospecting the value is 1 lb. per cubic yard, that means that for every yard of ground excavated eventually you should get one pound of tin: from one acre, at say 30 feet depth you should get 20 tons of tin. That ground, while you are excavating it, will have to be put to one side. To refill that hole, plus restoring the surface with the surface soil you moved away first of all, will cost at the very minimum £1,300, and then will be worth £2, because £2 is the sum that is paid for disturbance of farm land, because a farmer can go and buy another acre for £2. So you spend £1,300 to restore this. Now if you get 20 tons out of that acre, at a profit of £65 a ton, and that is surely a very reasonable expectation of profit to get in the normal market, it means if you have to restore that land you get nothing out of it. The only people who get anything out of it are the Royalty receivers, and the Railway. If the ground is 60 feet the cost is at least double that amount, and then will be worth £2. Govern-

ment may argue it is worth that $\pounds 2$ for perpetuity. That is true but $\pounds 1,300$ covers a large number of years and it is the miner who suffers.

Your Excellency, thinking of the future of the mining industry, I should like to mention one point, one item of taxation which is at present a deterrent to the necessary future development that must take place if the low grade deposits of this country and the margins are going to be worked economically. The future of the Nigerian tin mines lies in deep deposits. I know of one deposit located the other day, which has an economic value over 160 feet in depth. Well you cannot work deposits at that depth without very large units of machinery. It is only with large units which have a very large-turnover and absorb overhead costs, that these deep deposits can be worked. Well, Sir, the import duty as it is at present is a great deterrent to mine owners who put out large sums of money to purchase these large units. A unit may be a machine which costs fifty or sixty thousand pounds. Honourable Members may not be aware that a Dredge will cost nothing less than a quarter of a million. The Honourable the Financial Secretary knows what we have to pay on that, and that tax is going to be a deterrent. I therefore ask you, Sir, to give that consideration and that that tax might be withdrawn and mining machinery allowed into the country free of duty as is at present the case with prospecting machinery. I am quite sure such an action on your part, Sir, will restore the confidence of the mining industry, which has been rather shaken at the moment. I hope, and I am prepared to believe, that Government will be reasonable.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, M.B.E.):

Your Excellency, I am not a miner, but hearing what the Honourable the Mining Member says on this Bill and knowing the minds of the people of this country, I say Bills are Bills and when they are passed and become laws—you all know what happens.

Lawyers know what laws are, and seeing that people are so disturbed—they do not like the action of Government as proposed in this Bill—I respectfully ask that the Bill be cancelled or deferred indefinitely, Sir.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

Your Excellency, I beg to support.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo):

Your Excellency, I think the most discussed subject in Nigeria to-day is this Minerals Ordinance. In Lagos, Abeokuta and some other places I think the very word "Crown" frightens our people very much and our people are very particular about their land,

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I think, Your Excellency, some years ago, a deputation was sent to England in regard to Land Tenure. Anything that concerns land is always looked upon with suspicion.

Our lands are only held by the Chiefs for the people. Now, in this Ordinance nothing is said about our Chiefs; it seems they are not taken into consideration at all.

Well, I believe the Minerals Ordinance must be passed wherever there are minerals. It has been so in all other places, it should not be otherwise in our own case, but as I said just now, our Chiefs should not be left behind. For example, in the Gold Coast and other places that I read of, it is quite different from what I see here.

Here is a statement by Lord Hailey, on "Rights in Minerals on the Gold Coast": "Disposal of them has been left to the Native Chiefs, subject to the provisions of the Ordinance".

I am of the opinion that it is necessary for that Ordinance to be passed, but this point should not be overlooked that we are passing through difficult times and the provisions of this Ordinance should be made as generous as possible, so that when people come to examine them it will be to our credit.

The Third Lagos Member (The Hon. E. A. Akerele):

Your Excellency, I rise to support the Honourable the Member for the Ondo Division in asking that this Bill be at least deferred.

We in this part of the world—I may say we in Lagos—are not so much affected by this Minerals Ordinance, because I am sure there is no mineral in Lagos, but a great many people who are concerned are in the Protectorate, and the Chiefs that are really concerned are mostly illiterates.

I must confess—I am sure I am not quite conversant with the whole Ordinance, considering the little time I have had to study it. I think we should give these people time to understand the Bill.

When the Bill was first read the Honourable the Solicitor-General kindly told us that in section 3 where the word "Crown" is used, the word "Crown" there is meant to indicate "Government of Nigeria." At the first reading I was a bit on his side and was almost carried away. Since then we have had one or two meetings and I am sure the people have been up to now unable to observe that the definition of the word "Crown" means "Government of Nigeria", and will ask for an amendment, and even with that amendment I think they will not be satisfied. I think that is due more or less to the fact that they have no time to understand where their rights are.

There is a misapprehension about the whole Bill and in fairness to them I will advocate that this Bill be deferred as much as possible. Personally, I think that will be the best step. I am not saying that the Bill should not be passed, but not at this

session, but at a later session, so that they may have time to study the whole Bill.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga): Your Excellency, the first speaker who introduced this Bill told us that there has been much loose talk about it. That may be true but I would not like to describe it as loose talk because there are very few of us Africans who do not feel that the Bill is introduced to rob us of our minerals. Naturally when they first heard the news they were much agitated in mind, and you can imagine what we Members of this House have been hearing from the tax-payers

of this country about this particular Bill. It is perhaps one of the

Bills that should not have come forward at this time. I will exemplify my meaning by two illustrations. Some twentyfive years ago while I was in England, the news that independence had been accorded an erstwhile country which was a British Protectorate found its way into the headlines of almost all the more important and influential dailies in England. On being jubilant by the good news a lady friend-an English girl-asked whether I was an, to which I answered no. She said, "Why then are you so jubilant about self-government being given to? You see we Europeans do not mind giving independence to our colonies when we deem it fit, but we must see that we have benefited ourselves to our heart's desire. The country to which independence has been given is like an egg whose contents-yolk and all, have been scooped out; that is how we like to leave every country unless they are willing to form part and parcel of our commonwealth."

The second illustration, Sir, is about a conversation I had with the manager of an important commercial interest in this country at his invitation. Among other things he said "I see that the relations between your people and our firm are much strained, and adverse articles are written against the firm. But we are doing our best to serve you, but still you cause adverse and bad reports to be published against us. Look at the miners who have been removing the natural resources of your country which are irreplaceable—gold, tin, zinc and other valuable minerals have been removed without adequate royalties to the people." I was much touched, and asked for his advice. He said "You people must rise against the miners and gold diggers; you must insist that your land no longer be allowed to be exploited and mined and the contents of the earth which God has given you removed by foreign people for the good of their own country."

There you are, you have two different opinions, like the above, and that of the young lady who did not know what was going on in Africa here. That country which was given independence was to her an empty eggshell, and she was right in saying that it had been emptied of all its natural resources before independence was granted to it. I ask that this Bill be suspended until its implications have been well considered and understood by the people, if really we are making a law for the good of the people, particularly as Your Excellency said in the early part of your speech that there were Bills to improve the conditions and protect the interests of the people. You should allow our people to digest this particular Bill so that they may make any observations that they deem necessary and submit them to the Government.

I am submitting that in this particular case the people who are interested in land and mining should be consulted and called to a meeting and the matter gone into very carefully. I ask Your Excellency that this Bill be suspended as long as possible; or, better still, be removed from the table of this House.

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

Your Excellency, I am not a miner. I know very little about mining, but so far as I can see, I think this Bill is really a consolidation of the various Acts which already exists; therefore, I am not particularly concerned about the political agitation which is at present on foot. In my opinion, it is designed to gain time and to undermine the existing constitution.

Assuming that this Bill is to be a consolidation of existing Acts, I am concerned to some extent about what the Honourable the Mining Member said in connection with new method of operation, and in this respect, I submit that you have asked for trouble in as much as insufficient time has been given to those interested, whether they are African, Syrian or European miners it does not matter who they are—to consider carefully what this Bill will demand from them.

During the course of this particular session, after comments have been made concerning various Bills, Government has been exceptionally reasonable and has deferred the operation of a number of Bills, and agreed to refer others to special committees— Select Committees—grand round table conferences—and has adopted various other expedients in order to cram as much knowledge as they possibly can into our minds in a few hours. Why not this one.

In regard to new clauses—clauses 27 and 33 of this Bill, which imply that new methods of working must be introduced as indicated in paragraph 6 of the Objects and Reasons, in this connection I am aware of a letter from the Acting Chief Secretary to the Government to the Nigerian Chamber of Mines, and there is just one clause in one paragraph that I should like to refer to:—

"I am to reiterate the assurance given to the Local Chamber that any change in the present method of working will not be enforced until after two years after the present war."

Now if this particular letter is to be regarded as a scrap of paper, I am afraid I have to vote against the Bill; but if I have

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the word of Government that that assurance is not a scrap of paper, then I have no objection against this Bill on political grounds.

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

Your Excellency, most of us are perfectly ignorant of mining work and all that is connected with it, but we feel, Sir, that we have been sufficiently warned by our constituencies about this Bill. The Press has been very, very articulate and some of us Unofficial Members, have received cablegrams about this Session from West African Students Association in America, asking us to put up a united and concerted opposition to this Bill. And so, Sir, we feel that our opposition should be definitely qualified.

I feel myself that a certain amount of apprehension exists in connection with section 3 of this Ordinance where the "Crown" has been interpreted, rightly or wrongly, to mean the Imperial Government. If that is the accepted meaning of "Crown" here, we felt that vesting the mineral wealth of Nigeria in the Crown would amount to depriving Nigeria of its precious possession.

At the first reading of this Bill the Honourable the Solicitor-General quickly removed the sting of the poison from the Bill by saying that the word "Crown" here means "Nigerian Government", and we would ask that in the section dealing with Definition, "Crown" should be definitely defined as "Nigerian Government", so that when we get back to our constituencies, we might inform them. That I am sure will allay their fears.

We know that the present Bill is really a consolidation of several enactments, not being a legal practitioner, I do not know whether if we postpone this Bill, the former enactment will operate. If the former enactment operates we will still be in a difficulty.-

I associate myself very emphatically with those previous speakers who said we have not got sufficient time to study the Bill.

I followed carefully the speech of the Honourable the Mining Member. Regarding him as an expert on the subject, I would affirm that the mining interests should have been consulted before this Bill was drafted. We know also, Sir, that there are other interests that are also affected by this Bill, and without committing my constituency I say that vesting the mineral wealth of Nigeria in the Government of Nigeria is beneficial to us, if we take a long term view of the position. There will come a time when Nigeria would realise her dominion status. If we now vest the minerals of Nigeria in individual or communal interests, these interests will expropriate the mineral wealth of the country from the Government, even when Nigeria reaches dominion status. Then we shall regret having vested the mineral wealth of this country in private interests as some are proposing now.

Again, Sir, I know definitely that owners of the land are not forbidden from exploiting the mineral wealth of their own land if they have the necessary capital to work. So I am not in sympathy with the people who say that we are being deprived of our mineral resources, so long as the law does not prevent the African owners of the land from mining. They should be made to understand their rights. I appreciate very much the work of the mining interests and I am happy also to say that there are certain Africans who are now working as miners.

With these observations, I am not going to be long, but would ask Your Excellency that this Bill be not passed into law at this Session, but that Your Excellency should give us time to take it back to our people, and to give to the mining interests sufficient time also to study the Bill, so that steps could be taken to consult all concerned, and when we come again it will be easy for us to support this Ordinance.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

Your Excellency, since the publication of the Bill entitled :

" An Ordinance to amend and consolidate the law relating to Mines and Minerals ",

there has been much agitation both in the Press and in the minds of the public. This agitation may be founded rightly or wrongly on genuine foundations, but I think in a matter of this kind, particularly when legislating on a matter which affects not only the public, but some vested interests, opportunity should be given to them to enable them to study and inwardly digest the contents of the Bill.

I am not unmindful of the fact that this is a mere consolidation of the existing law, though it makes a very great improvement in the public interest. Improvement, I say, because in the old law there was nothing like restoration of the surface rights disturbed, and also there appears to be no compensation paid or payable to the person whose surface rights are disturbed. Considering these improvements, I think, it would have been up to the African Unofficial Members to support the Bill whole-heartedly.

We cannot ignore the fears or the representation made by our constituents which is mainly on this score, that all the Honourable Members of this side of the House should ask Your Excellency to postpone the passing of the Bill.

The course pursued by Your Excellency as pointed out in your Address on page 17, *i.e.*, the procedure adopted by Your Excellency in regard to Regulations and the Ordinance affecting the Customs and Excise, is a step in the right direction. I think in the case of the Customs Ordinance and Regulations opportunities are given to those who are interested, particularly the Mercantile Houses, to study the Bill and offer whatever comments they may have. In this case we have a larger class of people affected by this Ordinance. You have five classes of people; you have the general public, the owners of the surface rights, the farmer who may be either the owner of the surface rights or only a lessee of the rights, and you have also the miners and the employees of the miners. All these

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classes of people, I respectfully submit, are entitled to be consulted and express their opinions. If in the case of the Customs Ordinance and Regulations Your Excellency has seen fit to refer that legislation to the persons immediately interested in the legislation, this fact also should be borne in mind when this Minerals Bill is presented before us to be passed into law. So I wholeheartedly support the humble plea made to Your Excellency that the Bill should be postponed to afford opportunities to the public generally, and also afford opportunities to Unofficial Members to explain to their constituencies the contents of this legislation. The legislation, I reiterate again, is a mere consolidation of the whole Mineral laws, but that does not preclude us from referring to the provisions of the present Ordinance and to put before Your Excellency such constructive criticisms and amendments for the improvement of the Bill and allaying the genuine fears of the public.

Now, Sir, the Honourable the Member for the Calabar Division has referred to section 3. Personally, I think it only requires some explanation to anybody who has any fear in his mind, because from all practical purposes the Crown can only represent the people of Nigeria, and I should not come before Your Excellency with that. There have been several definitions or academic dissertation on the matter that a man in the Protectorate is only a British protected person and that unlike a British subject in the Colony is under certain legal disabilities, but for all practical purposes we the people in the Colony and Protectorate of Nigeria have always been treated as British subjects. (Hear, hear). When I say for all practical purposes, I mean that the Crown represents the people of Nigeria. We in this part of the House would have to admit that in many parts of the country, that is the constituencies which we represent, there was nothing like mineral, but for the good government of Nigeria, I think it was wise on the part of the Government to put the profits or the revenue accruing from the mineral resources into a common purse for the benefit of all the people of Nigeria, and such minerals to vest in the Crown, i.e., the Government of Nigeria.

This leads me to some important matter which is agitating my mind, both as a layman and as a legal practitioner, and that is the question of the share of the Royalty or rather subsidy which is now paid to the Royal Niger Company, now known as the United Africa Company, Limited. I say this is an important matter and it has been agitating my mind for several years since I got to know that such a subsidy is being paid to the United Africa Company, Limited.

His Excellency :

I do not want to interrupt the Honourable Member, but I do not think it is strictly in relation to this Bill. I appreciate that this is a matter very much the concern of Honourable Members of this House, and I have authorised the Chief Secretary to the Government to make a statement to reassure them, but as a lawyer the Honourable Member of course knows that it is not a subsidy but a legal obligation.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

I just want to appeal to Your Excellency before I give notice of a Resolution to this House in order to treat the subject more lengthily. I shall desist from saying anything further.

In the Objects and Reasons I think the Honourable the Learned Attorney-General has put it rightly in the third paragraph when he says :--

"Restoration of mining areas is of great importance so that areas which have been worked for mining may as soon as possible become available for ordinary purposes of cultivation, but it is not possible to lay down hard and fast rules as to how restoration is to be accomplished."

We are very much thankful to the Government for making provision for the restoration of mining areas. Even the Honourable the Mining Member in his address to Your Excellency this morning has made a very strong case for restoration of the mining areas, and even he did not oppose that the mining areas should be restored, but he appealed that the Government which has shared in the royalty, should also do something towards the restoration of the areas mined.

In order to strengthen the case for the Government side, Sir, and in order that the mining community may know that the people themselves feel aggrieved with the situation in which their land was after mining, I may say, Sir, that it was about some six years ago when the Labour Adviser to the Colonial Office, Major Orde Browne, visited the mining areas and a deputation was sent to him, and the question of restoration of mining area was the only matter which was discussed with him. This was about six years ago, and the deputation went under the auspices of the Jos Branch of the Nigerian Youth Movement. At that interview a promise was made that a legislation would be introduced in order to restore mining areas, so that it may not be said that the people never complained; the people have always been complaining to the Government that the position in which their land is left after mining is quite unsatisfactory.

As regards Part VII and Part X, Sir, I look upon these with much disfavour as a class legislation. We have in Nigeria the Workmen's Compensation Ordinance, and the miners, according to this Ordinance, are employees of the Mining Companies, and the tributers. I know tributers are not provided for in the Workmen's Compensation Ordinance as other employees of the Mining Companies who enjoy the benefits conferred by that Ordinance. That is, to my mind, more beneficial—the privileges accorded there

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are much more beneficial than those accorded in the Minerals Ordinance. I respectfully support the request made by the Honourable Members before me that Your Excellency may please postpone the passing of this Bill to enable us to study it more closely.

The Member for the Warri Division (The Hon. Jessa Ogboru) :

Your Excellency, I support all the Honourable Members who have appealed to Your Excellency that this Bill be postponed for some years.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

Your Excellency, all the previous speakers before me have protested in one way or the other against the Bill now before us. I have never been a miner in all my life, but the Bill appears more or less a big one; it is so complicated that I have not had time to go through it clause by clause to know exactly what it all implies.

The mover of the Bill has explained the necessity for the restoration of land, as this concerns the people.

In supporting the previous speakers, I will earnestly ask Your Excellency that ample time and opportunity should be given to us to go back and tell our constituencies that the Bill is designed to protect our interests, so that when we come back to this House we may be able to support this Bill in every detail.

The Member for the Ibo Division (The Hon. E. N. Egbuna):

May it please Your Excellency. In supporting the plea made by the Unofficial Members on this side of the House, one need only to refer to the pages of this Bill, examine them and know how technical the matters referred to in the Bill are. At first I was inclined to quarrel with it very much, especially clause 3 of the Bill, and I am not satisfied in my mind that the explanation given by the Government would be adequate because I feel that quite apart from the technical points involved, it is quite likely to involve other issues of a greater nature.

There is to my mind the question as to whether the minerals in land in the Protectorate can rightly be vested either in the Crown or Government of Nigeria. The people in the Protectorate enjoy a different status, and in divesting them of rights which hitherto belong to them, care should be taken to make sure that no trouble will arise in future.

I do not think that we are opposed to the Minerals Ordinance in principle, but I think it is necessary in view of the short time given for Members to deal with the problem, to consider its implications. I submit that this Bill should be deferred to a future date, not only to enable Members to avail themselves, if need be, of technical advice, but also to consult their constituencies.

Judging from the amount of comments and criticisms which this Bill has evoked, there is no doubt that if Your Excellency would

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be good enough to defer consideration of this Bill until a later stage, the people of the Protectorate will be particularly grateful.

As the Honourable the Member for Calabar has said, we are not certain that when we return to this Council, after consulting our people that we will not support the Bill. I say, Sir, that there is no doubt in my mind that the Objects and Reasons of the Bill are very sound, and if genuine efforts are being made to safeguard the working elements to a large extent, the owners of the land in which these minerals have been found would not have much to complain about.

As I have said, Sir, there are technical matters in the Bill and Members should be given the opportunity to study it, especially in relation to its effect on the people who are working the mines, and the people who hitherto own the minerals.

It might be argued that the previous Minerals Ordinance did vest the mineral properties in the Crown. That is true but it is also true that only a few of the minerals were concerned under the previous Ordinance. The definition of "Minerals" under this present Bill will show that it is very comprehensive—it actually embraces everything in the soil. That being so, it is necessary for the Members of this House, particularly the Unofficial Members, to look into it and put the whole thing to their constituents before they are able either to support or oppose this Bill. I repeat that it is necessary to defer the Bill in order to give our people adequate opportunity of considering it.

The Member for the Rivers Division (The Ven. and Hon. E. T. Dimieari):

Your Excellency, I rise to associate myself with the speeches made by the Honourable the Member for the Ondo Division and the Honourable the First Lagos Member.

The people of Nigeria as a whole do not always understand the ways of the Government. When we say here that this Bill is a consolidation of enactments and the various previous amendments, those who are new to this House are quite ignorant of what these amendments are. We ask: How to support or how not to support this Bill? But the cry of the people is so strong that we feel that if the Bill is for the interest of the people, if it is passed now, through their ignorance and lack of understanding of the ways of Government, then the Government have taken steps which are not really necessary.

I associate myself with all that other speakers had to say on this Bill and ask that the Bill be postponed.

The other day, we met round a table and talked about the Ordinance for the appointment and deposition of Chiefs. My eyes were opened to many things in the Bill and without any more anxiety, we knew exactly what it meant. So, in this matter I respectfully request that if it is postponed for a time and experts are able to explain to those who are concerned the implication of

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this Bill, a satisfactory solution will be found and we shall get the understanding of the people interested, so that we may give them proper protection.

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

Sir, I understand that this Bill has been in operation since the year 1916. At that time we down here were not so much concerned. It was operating in the North, and I had to go all the way to the North, Minna and other places, to see how mining was being done. Well, the people in the North never complained about the Ordinance. It is only now that it comes down to us here that we all feel disturbed and perturbed about the Bill. When the Bill came I saw that the Attorney-General gave us the Objects and Reasons for the Bill and I asked myself what would have been the reason for it, until the solution suggested itself to me that the war will soon be over, and Government is trying now to protect us from other nationalities that will come to us to prospect, trade and mine in our country. Well, who else would protect us but the Government under which we are. So I argued that you will protect us, and when I heard the explanation of the word " Crown " I felt a certain ease in my mind. And reading the Bill through I see there Part 7, sub-section (74), that " Any person prospecting or mining shall, in addition to any other amounts payable under the provisions of this Ordinance, pay the owner or occupier of private land or the occupier of land held under a Crown lease or the subject of a right of occupancy such sums as may be a fair and reasonable compensation for any disturbance of there is consideration there that compensation should be paid to the occupier. But it is the proviso I could not well understand, and that is this-" Provided that the holder of a mining right or the lessee of a mining lease who is paying surface rent in respect of any private land included within the area of his right or lease shall not be liable to pay compensation in respect of any building erected, economic tree or crops planted or works constructed on such land after the date on which surface rent began to be payable." I hope in due course that the Attorney-General or Solicitor-General will explain those provisions to us.

As previously explained, I am not in favour of the Bill being rejected altogether. It is already working. It is only now that it comes to us in this part of the world, when Ondo and Ilesha have got mines, that we are all feeling perturbed with the matter. At one time it may be remembered that I asked a question whether royalties are being paid to the chiefs in those parts. The reply is there and I was not satisfied with the reply as I looked through this Bill. I do not see that royalties will be paid to our chiefs for mining in their land, barring this sub-section (74) I have just read.

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I think, Your Excellency, you should reconsider the Bill in the light of our people, that royalties should be paid to the owners, especially the chiefs, because you go to them not by right of conquest, as it may be said of people in the North, but by right of treaty, and therefore I think this should be considered in that way. I am satisfied you are paying compensation to the owner of the land, but at the same time those who are the lawful rulers of large areas of land should be thought of. I appreciate the explanation given us that royalties collected from miners are being used in the interests of the whole of Nigeria, but at the same time our people do want something for themselves, and as such, while I am not voting that this Bill should be scrapped, and I know Government would never do such a thing, I respectfully ask that you get in touch with our people and we are thankful to the present Chief Secretary and others for that annual meeting of the chiefs of the country, the meeting at Ibadan. That is the place where I am suggesting that this Bill should be taken to, to consult the feelings of the people, explain the Bill to them, how it is going to affect them. And after that, because after all said and done those are the people concerned, they would talk about it; and when they have understood the situation, it would be money well spent if within two months-I have forgotten the date of the Conference of Chiefs-say a week or two after, we shall be prepared to come back and by that time would have read and digested what was before us, and having known the wishes of our people, the Chiefs Meeting in Ibadan, we shall know where we are and help Government to pass this Ordinance into Law.

I respectfully associate myself with the expression of my learned friend, the First Lagos Member, in asking that the Bill be deferred, and not scrapped, only for a few months or weeks, after conferring with the chiefs of the country affected by the Bill.

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

Your Excellency, I have only got up to repeat what others have said, and that is that it would be a very good thing if this Bill were deferred. One of the reasons why I think it would be very good to defer this is that it might give time for the common man in the street to know what is behind this Bill. At the present moment some of us, I think most of us, hear the most fantastic things being said about this Bill. People have come to me-I remember one morning a deputation came to ask whether it is true that Government is going to remove all the minerals in the country and take them to England. I told them there was nothing of that kind in the Bill and asked who told them that, and they replied it was what they heard in town. Another person said, is it true that Government is making a law to prevent Africans from operating in the mines. I said that I knew at least three Africans who are mine owners, I know of three, one at Minna, two at Jos, and I think there is one at Ilesha. I think there is a lot of

confusion as regards the real objects of this Bill, and I think it would give us an opportunity of meeting people and telling them what really are the implications of this Bill, and I don't think it would hurt Government at all if for that reason this Bill is deferred.

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

Your Excellency, I remember when I toured the Cameroons Province, I met Dr. Jeffreys. He showed me specimens of things that he found in the soil of the British Cameroons in the Bamenda Division.

These exposed to me that that part of the world is rich in minerals.

It is true that we are natives and owners of the land, but we have neither the idea, nor the capital to get out the wealth from the soil; but we are assured that being under the protection of the British Government we can never be cheated and that Government will always protect our rights; that such things that are taken out of our land will not simply be used in any way which is not in the interest of the people of the country, let it be the property of an individual or a community.

In the British Cameroons it is quite a matter of no doubt that the people are ignorant of such things as Minerals Regulations, Rules and Ordinance, and to make my people aware of the condition of this Ordinance, I shall ask with all respect, Your Excellency, that the Bill be deferred in order to give ample time to come in contact with our people, and after I shall have collected sufficient views and opinions as I have said, with the aid of the District Officers and the Resident, who will help to explain the matter to our people, then shall we decide that the law be passed, and the people will feel that they are not forgotten or ignored but that their rights are being preserved.

With these remarks I beg to resume my seat.

The Banking Member (The Hon. K. M. Oliver, M.C.):

Your Excellency, I am afraid, like the Honourable Second Lagos Member, there is very little for me to say in connection with this Bill. Still I do find it difficult to understand why such an important or revolutionary clause, as far as Nigeria is concerned, as restoration, should have been included without considerable consultation with the Chamber of Mines, and after hearing the speech made by the Honourable the Mining Member I must wholeheartedly support what he said on this matter.

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

Sir, criticism of this Bill has followed two main lines—by the Honourable the Mining Member that Government was chasing the poor defenceless unsophisticated mining goose to throttle it, and in some miraculous way by the other Members the goose seems to have making up our minds what is to be " reasonable " in future cases of restoration.

I wonder, Sir, whether those Honourable Unofficial Members, in asking for this Bill to be deferred, realise that if that were done, for the greater part of Nigeria the position will be as it has been at any rate since the Ordinance of 1916 passed into law. But the position with regard to the people where mining is most intensively carried on, namely the Plateau, and especially in those areas which I have mentioned, will be a progressively deteriorating position. It is becoming more and more difficult to establish a balance between the life of the peasantry in places like that between their farming and mining interests when there is for Government a complete lack of control over the restoration of land. The necessity for such control is recognised at home, Sir; it is mentioned in the report of the Scott Committee on Land Utilisation in Rural Areas that it should be allowed to .no-one to make the land derelict through mining. I should like to add, through any cause, through any activities whatever. It is no more right, it seems to me, for a Government to make a land derelict, or a Native Authority, or any other person, than it is for a miner. But it is most essential that Government should have the powers which this clause 33 in this Bill is designed to give, to ensure in cases where it is necessary that the land shall not be left derelict after mining operations.

I am not sure, Sir, that the Honourable Unofficial Members who asked for the deferment of this Bill had not overlooked the fact that Cap. 93 has been on the Statute Book for all those years, and that there is no change in the principal provisions of that Ordinance. The Honourable the Second Lagos Member told us of certain rumours that had got about on the mere publication of this Bill: what they might be like on the deferment I hesitate to think !

The Honourable the Mining Member suggested the reasonableness of the royalty-owner contributing. I believe that in England it is customary for the royalty owner, the Local Authority, as well as the miner and other interests, to contribute. But in England conditions are very different. As I have mentioned, however, there may be cases where, in order to enable minerals to be extracted economically from an area where Government wants them to be worked, Government will have to consider making a contribution to the cost of restoration of the land, if that is required in that case.

The Honourable the Mining Member also mentioned the question of Customs duties on mining machinery. Realising the benefit that will accrue to Nigeria as a whole by the efficient and economic working of the minerals, Your Excellency has authorised me to say that this Government intends to remove the Customs duties on mining machinery.

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The Honourable the Commercial Member read a paragraph from a letter that was addressed in May 1940 I think to the local council of the Nigerian Chamber of Mines, in which he used the phrase "present methods of working." That letter, Sir, was written about circumstances which are entirely different from those which this Bill considers. It referred—I speak without having it with me—if I remember rightly, to the amount of washings to be deposited in streams. That is a matter which will be regulated, another matter which will affect in very large measure the cost of working on mines: but it is a matter that will be dealt with by regulation and on which the mining industry will be consulted in the process of drafting those regulations.

With other matters which have been raised in connection with the Bill, Sir, I have no doubt the Solicitor-General will deal.

The Hon. the Acting Chief Secretary to the Government:

Your Excellency, before the Honourable the Solicitor-General winds up the debate there is just one point to which I wish to refer, and that is the matter raised by the Honourable the First Lagos Member in regard to the payment of royalties to the United Africa Company. This arrangement applies, as Honourable Members I hope understand, only to the Northern Provinces, or rather to an area which comprises almost the whole of the Northern Provinces. It does not apply at all to the Southern Provinces. The arrangement was one of the conditions on which the Charter of the Royal Niger Company was surrendered, and it is accordingly a legal obligation which we cannot repudiate by unilateral action. The possibility of securing our release from this obligation at an earlier date than that provided in the Agreement has not escaped the attention of this Government, and I can assure Honourable Members that it is actually receiving active consideration, both here and in London.

The Hon. G. L. Howe, Solicitor-General:

Your Excellency, I am unfortunate inasmuch as everybody has spoken about this Bill, for and against. Everybody has said the same thing, and said it in different ways. There is little for me to deal with now, except to continue the assurance of Government and to endeavour to explain in a little more detail what this Bill really does as regards the people.

I would like first of all to deal with some of the Honourable Members who have raised points in their speeches. The Honourable Member for Ibo was anxious about the status of his Protectorate. Well, he need not worry; he can rest assured that this method of vesting is legal, and not only legal, but constitutional, and I think it is good. We have ample authority so to legislate for the Protectorate in this House, in fact the Honourable Member represents the Protectorate. Moreover, the Honourable Member mentioned the Gold Coast. Now the Gold Coast is a sister colony, and when the lastest Minerals legislation was brought

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One or two Honourable Members mentioned the rights of the natural Chiefs. Now let us check up the position of these natural rulers in regard to minerals. First of all they are not experts, and mining is a technical subject. Secondly they may not understand the value of the minerals under their land and there is the possibility that if they were allowed any part in the bargaining for these minerals they would be tempted by the lure of a small amount of ready each to give prospecting and mining rights, irrespective of the value of the minerals. The Honourable Member for Ibo again brought in the Gold Coast. There it is true in certain parts leases for minerals are granted by the natural rulers. In this country I have never heard it since I have been here, and I do not think the phrase is familiar to many of the Members, but in the Gold Coast an expression that is common everywhere is "the top hat concession". Now do Honourable Members know what a top hat concession is? It is a concession granted by a chief who is, as the Honourable the Third Lagos Member says, often illiterate, to prospectors and mining companies, who drive a bargain that could not be justified, and he sells his community's minerals for a song. It used to be a top hat, a case of gin, and a few hundred pounds. In the Gold Coast that state of affairs could not go on, and it did not go on and they brought in a Concessions Ordinance, whereby every bargain made by one of the natural rulers in respect of minerals was made subject to the approval of a Judge of the Supreme Court. That was possibly a good thing, but it does not go far enough, because I don't think a Judge knows any more about minerals than I do. It is a matter for experts. On the other hand in this country we have avoided that position by vesting the control of minerals in the Nigerian Government.

Now again the rights of a natural ruler only arise if this House fails to adopt the principle which has been in force for twenty years, that it is not the natural ruler, not the community, not the few favoured persons who have the sole right to all this wealth, but everyone has it. This principle we have accepted, and it is the principle, I venture to say, we are going to continue. After all Honourable Members what is Nigeria? Who represents it? I am a stranger here, and probably a passing stranger, but to my mind Nigeria is not represented by the professional classes, or by the intelligentsia. I did not know who did represent Nigeria until I had a conversation the other night with one of the Venerable and Honourable Members opposite, and he talked about a middle-aged man with a family and a few acres of land, a hoe in one hand and a cutlass in the other, with his face to the ground and his posterior to the sun. That is Nigeria,-the Nigerian farmer,-and he is entitled to his share of the mineral wealth, irrespective of whether he has minerals under his own soil or not. Now, what is he sharing? Have Honourable Members here any idea of what the mineral wealth of Nigeria is? You talk a lot about it but do you

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really understand what it is? The Honourable the Chief Inspector of Mines will correct me if I am wrong, but as I understand the figures from 1914 to 1943, the value of minerals from Nigeria, sold in the home market, was £53,000,000. Now let us further discuss those figures. As far as a rough division is possible the result is this, that some £52,000,000 have come from the Northern Provinces, and approximately £1,000,000 from the rest of Nigeria. Now do Honourable Members realise their position here? His Excellency legislates for the Northern Provinces; you are vetting this Bill from the point of view of the Protectorate of the Southern Provinces and the Colony. Now for twenty long years you and your people have shared this £53,000,000 which, if this principle that everybody is entitled to share in the wealth were disregarded, the bulk of this sum would be the property of the Northern Provinces only. Now do your people understand what will happen if you object to the vesting of minerals in the Government? I ask Honourable Members, if they vote against this Bill, to have a clear conscience that their people do understand the position and have given them a clear mandate to reject in their name any further participation in the mineral wealth of Nigeria. I pointed this out some time ago and was answered at once that I was robbing Peter to pay Paul. That I think leads to another point-Peter and Paul are of the same nation. When His Excellency spoke about development here he mentioned the gamble we were taking. The Honourable the Financial Secretary also mentioned it, so did my Honourable Friend the Development Secretary. But they confine their gamble to the financial aspect. I am giving a purely personal opinion, but I think that unless Nigeria puts aside party politics, party rivalries, petty jealousies, small gains for self, small gains for communities, it can never become a Nation, and if you cannot become a Nation no development scheme on this earth will pull you to the front. This is the time when, by recognition of this principle, you can do something about the future.

Now I come back to the original point, that the only new principle in this Bill is the soil restoration, and soil restoration is for the benefit of the Nigerian farmer, and every one of you who ask for deferment of this Bill is asking that this Bill be deferred' at the expense of your brother Nigerian farmer.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.): Your Excellency, may I say a few words about this.

His Excellency :

Unless it is a point of explanation, I am afraid not.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.): It is a point of explanation, Sir, in regard to the remarks made by His Honour the Chief Commissioner, Northern Provinces. He referred to various meetings that he and I and various others

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The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 53 be amended as follows: — Clause 53 (1).—By deleting sub-section (b) and renumbering sub-sections (c) and (d) as (b) and (c) respectively.

Amendment approved.

Clauses 54 to 64.

Clause 65.

The Hon. B. E. Frayling (Chief Inspector of Mines):

Sir, I beg to move that clause 65 be amended as follows :---

Clause 65.—By deleting the words " columbite " " tantalite " and " wolfram " and substituting the words " columbium " " tantalum " and " tungsten " respectively.

By deleting the words "the said section " and substituting the words " this Part ".

Amendment approved.

Clause 66.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 66 be amended as follows :---

Clause 66.—By deleting "holder" and substituting "grantee".

Amendment approved.

Clauses 67 to 69.

Clause 70.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 70 be amended as follows :----

Clause 70.-By deleting "seller" and substituting "vendor".

Amendment approved.

Clauses 71 to 74.

Clause 75.

His Honour the Chief Commissioner, Northern Provinces :

Sir, I beg to move that clause 75 be amended as follows :--

Clause 75 (1).—By adding after the words "desiring to appeal" the expression ": Provided that the Resident may direct that in such areas as he may specify the Divisional or District Officer shall negotiate on behalf of any person or community to whom compensation is due".

Amendment approved.

Clauses 76 to 104.

Clause 105.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 105 be amended as follows:— *Clause* 105.—By inserting "forfeiture or" before "revocation".

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Amendment approved. Clause 106.

Clause 107.

The Hon. B. E. Frayling (Chief Inspector of Mines):

Clause 107 (iii).—By inserting at the beginning the words "subject to the provisions of this Ordinance" and by inserting a semi-colon after the words "six months" and by deleting the expression "without the consent of the

Governor in writing."

Amendment approved.

Clause 108.

Clause 109.

The Hon. G. L. Howe, Solicitor-General :

Sir, I beg to move that clause 109 be amended as follows :--

Clause 109.—By deleting the whole paragraph and substituting "A notice sent to the last known address of the holder, grantee or lessee or of the attorney in Nigeria or published in the *Gazette* should be for all purposes sufficient notice to the holder, grantee or lessee of the revocation of his licence, right, temporary title or lease ".

Amendment approved.

Clauses 110 to 112.

Clause 113.

The Hon. B. E. Frayling (Chief Inspector of Mines):

Sir, I beg to move that clause 113 be amended as follows:-

Clause 113.—By inserting in the last line of the proviso to paragraph (a) the word ", title" after the word " right" By adding the words " and maintenance " after the

word " construction " in the proviso to paragraph (c).

Amendment approved.

· Clauses 114 and 115.

Clause 116.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 116 be amended as follows:---

Clause 116 (1) (a).—By inserting the word "temporary" between the words "all" and "beacons".

Clause 116 (2).-By substituting for the word "holder" wherever it appears the word "person".

Amendment approved.

Clauses 117 and 118.

Clause 119.

The Hon. B. E. Frayling (Chief Inspector of Mines):

Sir, I beg to move that clause 119 be amended as follows :---

Clause 119.—By adding after the word "underground" the words "save with the permission of the Chief Inspector in writing".

Amendment approved.

Clause 120.

The Hon. G. L. Howe, Solicitor-General:

Sir, I beg to move that clause 120 be amended as follows :---

Clause 120 (2) (xxix).—By inserting after the word "right" the words "temporary title or exclusive prospecting licence" and by deleting the words "or a prospecting licence".

Amendment approved.

Clauses 121 and 122.

First Schedule.

The Hon. G. L. Howe, Solicitor-General:

Sir, there should be a Second Schedule, which is missing. In Form D, I beg to move that this clause be amended by deleting the word "a" before "plan" in the ninth line and by substituting the words "the application" therefor. And in Form I, Sir, at the very end of the form, I beg to move that this be amended by deleting the word "eight" in the third line of the last paragraph and by substituting the word "twelve" therefor.

Amendments approved.

Second Schedule.

Third Schedule.

Title.

Council resumed.

The Hon. G. L. Howe, Solicitor-General:

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

The Hon. B. E. Frayling (Chief Inspector of Mines):

I beg to second.

Bill read a third time and passed.

His Excellency:

Gentlemen, I understand that it is the wish of Honourable Members to adjourn now for to-day in order that the Select Committees may have a chance of considering the business before them. If that is agreeable, gentlemen, we will adjourn until 10 o'clock to-morrow morning.

Council adjourned at 12.55 p.m. until 10 a.m. on Tuesday, the 20th of March.

Debates in the Legislative Council of Nigeria

Tuesday, 20th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 20th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor, .

His Excellency Sir Arthur Richards, G.C.M.G.

- The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, C.M.G.
- The Chief Commissioner, Northern Provinces, His Honour Sir John R. Patterson, K.B.E., C.M.G.
- The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, c.M.G.
- The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.
- The Attorney-General, The Honourable H. C. F. Cox, K.C.
- The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services,
- Dr the Honourable J. W.-P. Harkness, C.M.G., O.B.E. The Director of Education
- The Director of Education, The Honourable R. A. McL. Davidson.
- The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.
- The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.
- The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.
- The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.
- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.
- The Director of Public Works, The Honourable H. H. Walker, C.B.E.

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- The Acting Director of Agriculture, The Honourable A. G. Beattie.
- The Honourable F. E. V. Smith, c.m.g., Development Secretary (Extraordinary Member).
- The Honourable G. L. Howe, Solicitor-General (Extraordinary Member).
- The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).
- The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member).

The Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member).

The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar,

The Rev. and Honourable O. Efiong.

The Member for the Ijebu Division,

Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C.

The First Lagos Member,

Alhaji the Honourable Jibril Martin. The Commercial Member for Lagos,

The Honourable J. F. Winter. The Second Lagos Member,

The Honourable Ernest Ikoli.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E

The Member for the Cameroons Division,

The Honourable J. Manga Williams.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division,

The Honourable J. Ogboru.

The Third Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division,

The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division,

The Honourable E. N. Egbuna.

The Member for the Ibibio Division,

The Honourable G. H. H. O'Dwyer,

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The Member for the Egba Division, The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

The Comptroller of Customs and Excise,

The Honourable J. McLagan, O.B.E.

The Senior Resident, Plateau Province,

The Honourable J. J. Emberton, C.M.G., M.C.

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province,

The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province,

Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province,

Captain the Honourable H. H. Wilkinson. The Honourable W. B. Dare,

Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Commercial Member for Kano,

The Honourable W. T. G. Gates.

The Member for Shipping,

The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 19th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions Nos. 5 and 6 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 53, 58 and 66 by the Honourable the Third Lagos Member, Nos. 79, 80, 83 and 86 by the Honourable the Member for the Oyo Division, No. 99 by the Honourable the Member for the Ibibio Division, No. 107 by the Honourable the Member for the Ijebu Division, Nos. 117, 118 and 120 by the Honourable the Second Lagos Member, Nos. 130 and 133 by the Honourable the Member for the Calabar Division are not yet ready.

BILLS. (First Reading.)

THE PUBLIC HEALTH (AMENDMENT) ORDINANCE, 1945

The Hon, the Director of Medical Services:

Your Excellency. I have the honour to move the first reading of a Bill entitled :

"An Ordinance to amend the Public Health Ordinance."

This Ordnance, Sir, is to repeal the section of the Public Health Ordinance which deals with the control and destruction of mosquitoes, being a consequential Bill on the Ordinance passed for the destruction of mosquitoes.

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a first time.

(Second and Third Readings.)

THE GASKIYA CORPORATION ORDINANCE, 1945

His Honour the Chief Commissioner, Northern Provinces:

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

"An Ordinance to establish a body Corporate to be known as the Gaskiya Corporation."

The Hon, the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

· Clause 5. Clause 6.

Clause 7.

His Honour the Chief Commissioner, Northern Provinces:

Clause 7, Sir. I rise to move that clause 7 be amended by deleting paragraph (a) thereof and substituting the following therefor : --

" (a) to provide for the annual and other meetings of the Board and for the appointment, removal and retirement of its officers and members."

His Excellency:

Gentlemen, do you agree to that amendment?

Council Debates

Honourable Members:

Yes.

Amendment approved.

Clause 8.

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

Your Excellency, I do not know if I am in order. I have something to say about this. I do not know whether I should have said it.

His Excellency:

The Honourable Member is out of order. He should have spoken on the second reading. We are at present in Committee and the only thing which has not been passed is the Title.

Title.

Council resumed.

His Honour the Chief Commissioner, Northern Provinces :

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

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed.

THE LEGAL PRACTITIONERS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Legal Practitioners Ordinance."

I informed Honourable Members when moving the first reading that I would move an amendment in Committee.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment. Clause 1. Clause 2.

The Hon. the Attorney-General:

Sir, clause 2 as will be seen, inserts several new sections into the principal Ordinance in respect of section 31 to which this amendment relates. The amendment has been printed and laid before Honourable Members and therefore, Sir, I beg to move that the new section 31 in clause 2 be amended in the manner shown in the printed paper by re-numbering the section as 31 (1), and by deleting the sub-section set out in detail before Honourable Members. I would ask that the clause be amended as shown on the amending paper.

His Excellency:

Is that amendment agreeable, Gentlemen?

Honourable Members:

Yes.

Amendment approved.

Title.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE 1945-46 APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary :

Sir, I beg to move for consideration in Committee a Bill entitled:

"An Ordinance to appropriate the sum of Sixteen million, thirty thousand, four hundred and fifty pounds to the service of the year ending on the 31st day of March, one thousand nine hundred and forty-six."

In considering this Bill the Council will also consider the Report of the Select Committee on the Estimates which I laid on the table yesterday. That Report contains a long list of amendments to the Estimates which the Committee submits for consideration of the Council.

When the Bill is considered in Committee, I shall move some amendments consequential upon the amendments recommended by the Select Committee.

Council in Committee.

Enactment.

Clause 1. Clause 2.

The Hon. the Financial Secretary:

Sir, I beg to move that the words "Twelve million, seventyfour thousand, six hundred and fifty pounds" be deleted, and the words "Twelve million, one hundred and one thousand, seven hundred pounds" be substituted, and that the figure "47" in the second last line should read "46".

Council Debates

His Excellency:

The question is that clause 2 as amended be adopted. Amendment approved.

Clause 3.

The Hon. the Financial Secretary :

Sir, I beg to move that the figure 3,955,800 be deleted and the figure 3,960,370 be substituted.

His Excellency:

The question is that clause 3 as amended be adopted.

Amendment approved. Clause 4.

The Hon. the Financial Secretary :

Sir, I beg to move that the words "Sixteen million, thirty thousand, four hundred and fifty pounds" be deleted, and the words "Sixteen million, sixty-two thousand and seventy pounds" be substituted.

His Excellency:

The question is that clause 4 as amended be adopted.

Amendment approved.

Clause 5.

First Schedule.

The Hon. the Financial Secretary :

Sir, I have about three to five amendments to suggest; I do not know if I can take them together in order to save time.

His Excellency :

Yes.

The Hon. the Financial Secretary :

Sir, I beg to move that the figure 61,070 under Head "Accountant-General" be deleted and the figure "63,110" be substituted. Also that the figure "409,480" under Head "Agriculture" be deleted and the figure "397,260" be substituted.

I move, further, that the Heading "Fisheries" be deleted altogether, because provision has been made for it under "Development", Head 46.

His Excellency :

Are these amendments agreeable, Gentlemen? The question is that the First Schedule as amended be passed.

Amendments approved.

Second Schedule.

Third Schedule.

The Hon. the Financial Secretary:

Sir, I beg to move that in the Third Schedule the first figure

"3,567,600" be deleted and the figure "3,572,170" be substituted.

His Excellency:

The question is that the Third Schedule as amended be passed. Amendment approved.

The Hon. the Financial Secretary:

Sir, I beg to move that the total of that Schedule be deleted and the following substituted: 3,960,370.

His Excellency:

The question is that the total in the Third Schedule as amended be passed. Is that agreeable, Gentlemen?

Amendment approved.

Title.

The Hon. the Financial Secretary:

Sir, I beg to move that the words "Sixteen million, thirty thousand, four hundred and fifty pounds" be deleted, and the words "Sixteen million, sixty-two thousand and seventy pounds" be substituted.

His Excellency:

Is this amendment agreeable, Gentlemen? The question is that the total shown in the Title as amended be passed.

Amendment approved.

Council resumed.

The Hon. the Financial Secretary:

Sir, 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. F. E. V. Smith, C.M.G. (Development Secretary):

I beg to second,

Bill read a third time and passed.

THE PRIVATE HOSPITALS ORDINANCE, 1945

The Hon. the Director of Medical Services:

Your Excellency, as this Bill for an Ordinance for the Control, Regulation and Registration of Private Hospitals has scarcely been received with acclamation, I propose with Your Excellency's permission and that of the Members that it be referred to a Select Committee consisting of the Honourable the Member for the Ijebu Division, the Honourable the Commercial Member for Lagos, the Honourable G. L. Howe, Solicitor-General, and myself.

I think we can then meet, Sir, with certain members of the profession and discuss the Bill which seems very controversial.

The Third Lagos Member (The Hon. E. A. Akerele):

Your Excellency, I have been asked to oppose this Bill by the Medical Practitioners. I am not so sure, when this Bill is taken to the Select Committee, if I shall have the opportunity of opposing it. I am quite prepared to have it debated in the open Council, because at the Select Committee mentioned, I shall not be there. I am a new man in the Council, and I do not know how I can effectively oppose this Bill. I therefore move an amendment that the Bill be not referred to a Select Committee and that it should be debated in the open Council.

His Excellency :

I am afraid, an amendment cannot be considered at the moment. The question is just this, that the Bill be referred to a Select Committee. I should like to point out to the Honourable Member, supposing the second reading is now taken this morning, that if he proposes that the Bill be read six months hence, and if the motion is lost, the second reading will pass without debate. This is the parliamentary rule, except that it will be very much better if the Bill goes to a Select Committee. The Select Committee does not have the final say, and the Honourable Members can criticise the report of the Select Committee as they like.

The Third Lagos Member (The Hon. E. A. Akerele):

I agree, Your Excellency.

His Excellency :

The question is, therefore, Gentlemen, that the Bill should be referred to a Select Committee consisting of—

The Honourable the Director of Medical Services (Chairman).

The Honourable G. L. Howe, Solicitor-General.

The Honourable the Member for the Ijebu Division.

The Honourable the Commercial Member for Lagos.

Bill referred accordingly.

THE DESTRUCTION OF MOSQUITOES ORDINANCE, 1945

The Hon. the Director of Medical Services:

Sir, I beg to move the second reading of a Bill entitled: "An Ordinance to provide for the Destruction of Mosquitoes."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

Clause 5.

Clause 6.

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

The Hon. G. L. Howe, Solicitor-General :

I beg to second.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

Your Excellency, in view of the fact that if this Bill is passed into law so many people, so many chemists will be affected by it, I humbly ask that this Bill be referred to Select Committee to enable the Committee to go thoroughly into the matter and consider it and make recommendations to the Director of Medical Services.

The Hon. the Director of Medical Services :

Sir, I have no particular objection to the proposal, but I might inform the Honourable Member that this Bill was prepared by the Board of Examiners on which there are representatives of the profession of Pharmacy in this country. It was drafted with their assistance, and so far as I am aware there are only two points to which the profession takes slight exception; that is, first, the restriction of the sale of sulphanilimides—M & B 693 and preparations of that kind—only on a medical prescription. I think in moving the Bill that I explained the great need for that and the danger that unrestricted sale was causing to the health of the people of this country.

The other point which they seemed to have some doubt about was the clause which gives authority for inspection to "a medical officer of health of the department, an authorised inspector or a police officer." They felt that the term "police officer" was not sufficiently restrictive and that it should be reserved to a senior police officer or a police officer authorised by the Board to make such inspections. This inspection on the part of the police is really concerned with poisons and the sale of poisons. They have rights at the present moment, but I would be quite agreeable to have that clause amended in such a way that right of inspection is reserved to a senior police officer and not to all grades. I don't know whether that explanation will satisfy the Honourable Member.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

I think there will be no harm done, Sir. The Director of Medical Services would be President. I know I have the right, when the report of the Select Committee is received, to question any part of it, but by going to Select Committee it will give Members of the Committee the time to go into it thoroughly. So I still ask that it should be referred to the Select Committee already formed.

His Excellency:

Would it not be better to have that argued in open Council, as I gather from the Director of Medical Services that members of the profession have agreed to everything except two points, and a reference to Select Committee would not be necessitated by the desire to let experts examine it.

Council Debates

The First Lagos Member (Alhaji the Hon. Jibril Martin):

That is not the only point, Sir. There are other points, about dealers in medicine, those who sell Cough Cure, De Witt's Kidney and Bladder Pills and so on, they will not be allowed to sell again.

The Hon. the Director of Medical Services :

These clauses do not come into force until a date provided by. Your Excellency. Perhaps that might help to meet the Honourable Member's wishes.

His Excellency:

If the Honourable Member is not satisfied, a Select Committee would take a very short time. I gather the Honourable Member realises that as he has proposed it he will be Chairman of this Select Committee. Has the Director of Medical Services any suggestions? Should it be the same Select Committee as for the previous Bill?

The Hon. the Director of Medical Services:

Yes, Sir, with the addition of the Honourable Member as Chairman.

His Excellency:

In that case gentlemen we will defer this, pending the report of a Select Committee.

Bill referred to Select Committee.

THE YELLOW FEVER AND INFECTIOUS DISEASES (IMMUNIZATION) ORDINANCE, 1945

The Hon. the Director of Medical Services :

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

"An Ordinance to make provision for the Compulsory Immunization of Persons against Yellow Fever and other Infectious Diseases."

The Hon. G. L. Howe, Solicitor-General :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 12.

Title.

Council resumed.

The Hon. the Director of Medical Services:

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

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The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE VACCINATION (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Medical Services :

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment. Clauses 1 to 4. Title.

Council resumed.

The Hon. the Director of Medical Services:

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

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

His Excellency:

Gentlemen, the position now is that we have very nearly completed the business before this Session except those Bills which have been referred to Select Committees, and I understand that the Select Committee which is sitting to examine the judicial Bills will take at least two days and perhaps three days more. I don't know whether Honourable Members are ready to take the Constitution debate a little earlier, either tomorrow or perhaps Thursday if Honourable Members want a clear day?

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

Thursday, Sir.

His Excellency:

Figure and the

Thursday would be better, giving tomorrow as a clear day to consider it. If that is agreeable, Gentlemen, Council will now adjourn until 10 o'clock on Thursday morning.

Council adjourned at 10.45 a.m. until 10 a.m. on Thursday the 22nd of March.

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Debates in the Legislative Council of Nigeria

Thursday, 22nd March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Thursday, the 22nd of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor.

His Excellency Sir Arthur Richards, G.C.M.G.

- The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, c.m.g.
- The Chief Commissioner, Northern Provinces, His Honour Sir John R. Patterson, K.B.E., C.M.G.
- The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, c.M.G.
- The Acting Chief Commissioner, Western Provinces. His Honour T. Hoskyns-Abrahall, C.M.G.
- The Attorney-General, The Honourable H. C. F. Cox, K.C.
- The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Director of Education, The Honourable R. A. McL. Davidson.
- The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D. R.N.R.
- The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.
- The Senior Resident, Kano Province, Commander the Honourable J: H. Carrow, C.M.G., D.S.O. B.N.
- The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.
- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.

Nigeria Legislative

- The Director of Public Works, The Honourable H. E. Walker, C.B.E.
- The Acting Director of Agriculture, The Honourable A. G. Beattie.
- The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member).
- The Honourable G. L. Howe, Solicitor-General (Extraordinary Member).
- The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).
- The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member).
- The Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member).
- The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

- The Member for Calabar, The Rev. and Honourable O. Effong.
- The Member for the Ijebu Division, Dr the Honourable N. T. Olusoga.

The Mining Member, Lt.-Colonel the Honourable H. H. W. Boyes, M.C.

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The First Lagos Member, Alhaji the Honourable Jibril Martin.

- The Commercial Member for Lagos, The Honourable J. F. Winter.
- The Second Lagos Member, The Honourable Ernest Ikoli.
- The Member for the Colony Division, The Rev. and Honourable T. A. J. Ogunbiyi, o.B.E.

The Member for the Cameroons Division, The Honourable J. Manga Williams.

- The Member for the Ondo Division, The Ven. and Honourable L. A. Lennon, M.B.E.
- The Banking Member, The Honourable K. M. Oliver, M.C.
- The Member for the Oyo Division, The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

Council Debates

The Third Lagos Member, The Honourable E. A. Akerele.

- The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.
- The Member for the Ibo Division, The Honourable E. N. Egbuna.
- The Member for the Ibiobio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division, The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

- The Comptroller of Customs and Excise, The Honourable J. McLagan, O.B.E.
- The Senior Resident, Plateau Province, The Honourable J. J. Emberton, c.m.G., M.C.
- The Senior Resident, Zaria Province,
- The Honourable F. M. Noad.
- The Senior Resident, Calabar Province, Major the Honourable H. P. James.
- The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.
- The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.
- The Resident, Ilorin Province, Captain the Honourable J. P. Smith.
- The Resident, Ondo Province, The Honourable E. V. S. Thomas.-
- The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.
- The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt, . The Honourable Fred Edmondson.

The Member for Shipping, The Honourable G. H. Avezathe, C.M.G. .

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 20th of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed,

QUESTIONS

NOTE.—Replies to Questions No. 5 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 53, 58 and 66 by the Honourable the Third Lagos Member, Nos. 79, 83 and 86 by the Honourable the Member for the Oyo Division, No. 99 by the Honourable the Member for the Ibibio Division, No. 107 by the Honourable the Member for the Ijebu Division, Nos. 118 and 120 by the Honourable the Second Lagos Member, No. 130 by the Honourable the Member for the Calabar Division are not yet ready.

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

6. Will the Honourable the Director of Medical Services please make a statement explaining under what conditions patients are treated free in Government Hospitals as well as the conditions of payment?

Answer-

The Hon. the Financial Secretary :

The conditions regarding free treatment and payment in Government Hospitals are governed by Hospital Fees Regulations No. 24 of 1925 as amended from time to time. An up-to-date copy of the Regulations has been supplied to the Honourable Member.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

80. What efforts have been made after the year 1900 in draining the swamp land at Oranyan in the centre of Ibadan town especially that part of SINLEHINMI that was planned out for reclamation and for use as playing grounds.

Answer-

The Hon. the Acting Chief Secretary to the Government :

The drainage and canalization of the outlet of the Kudeti stream at Bako was begun in 1938 but work was held up because a new bridge was needed. It was resumed in 1941 and the Health Department hopes to complete the draining of the land intended for the Recreation Ground in April, 1945.

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

117. To ask the Financial Secretary what is the total amount expended from public revenue on the payment of Cost of Living Allowances since October, 1941 to

(a) Servants of the Central Government,

(b) Nigerian Railway Employees,

(c) Native Administration Employees,

- (d) Teachers of Government Assisted Schools,
- (e) The total annual expenditure under these heads.

Answer-

The Hon. the Acting Chief Secretary to the Government :

(a) £1,050,389—for period 1st October, 1941, to 31st March, 1944. Figures in respect of period 1st April, 1944, to this date are not yet available.

(b) £626,277—for period 1st October, 1941, to 31st October, 1944. Figures in respect of period 1st November, 1944, to this date are not yet available.

(c) £682,975—for period 1st October, 1941, to 30th November, 1944. Figures in respect of period 1st December, 1944, to this date are not yet available.

(d) £172,791—for period 1st October, 1941, to 31st March, 1944. Figures in respect of period 1st April, 1944, to this date are not yet available.

(e) 1942-43, inc 1st October, March	1941 to 31st	. 1943-44	1944-45
£		£	
(a) 560,039		490,350	Figures not yet available.
(b) 296,400		203,670	£126,207—1st April to 31st October, 1944.
(c) 286,455		252,766	£143,754—1st April to 30th November, 1944.
(d) 70,311		102,480	Figures not yet available.

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

133. (a) In the Southern Provinces of Nigeria how many magisterial areas are there? In those magisterial areas how many Magistrates Full Powers are there who are qualified or not qualified either as Barristers or Solicitors?

(b) In the Southern Provinces of Nigeria how many Residents are there who are also appointed as Assistant Judges to perform judicial duties in addition to their administrative duties?

(c) In the Northern Provinces of Nigeria how many Magisterial areas are there? In those magisterial areas how many Magistrates Full Powers are there who are qualified or not qualified either as Barristers or Solicitors?

(d) In the Northern Provinces of Nigeria how many Residents are there who are also appointed as Assistant Judges to perform judicial duties in addition to their administrative duties?

(e) In the Northern Provinces of Nigeria how many Administrative Officers are there either as District Officers or Assistant District Officers who are also appointed Magistrates Full Powers to perform judicial duties in addition to their administrative duties?

Answer-

The Hon. the Acting Chief Secretary to the Government:

(a) and (c) There are 17 Magisterial Areas in Nigeria, of which 13 lie wholly in the Southern Provinces, 2 wholly in the Northern Provinces, and 2 partly in the Northern Provinces and partly in the Southern Provinces. All substantive magistrates are qualified Barristers or Solicitors except four in the Southern Provinces and two in the Northern Provinces.

(b) None.

(d) Three.

(e) Twenty-eight.

MOTION

The Hon. the Acting Chief Secretary to the Government:

Your Excellency. I rise to move the Resolution standing in my name which reads as follows :---

> Be it resolved: That this Council signifies its approval of the proposals for constitutional reform set out in Sessional Paper No. 4 of 1945 and recommends them for adoption.

Sir, before proceeding with my remarks, I wish to inform Honourable Members that although I am moving this Resolution, and although Their Honours, the Chief Commissioners, will speak on it towards the end of the Debate, when the time comes for the Resolution to be put to Council, Official Members will abstain from voting.

Honourable Members, I hope, have had ample opportunity for carefully studying the Sessional Paper. They will have observed that the principal features of the proposals are :---

- a Legislative Council which will legislate for the whole of Nigeria;
- Regional Councils for the Northern, Eastern and Western Provinces, consisting of Houses of Assembly with the addition in the Northern Provinces of a House of Chiefs; direct representation of the people *via* the Native Authorities
 - and Houses of Assembly on the Legislative Council; and
- an African majority both in the Houses of Assembly and the Legislative Council.

The aims and objects of the proposals and the principles followed in framing them are contained in paragraphs 3-6 of the Sessional Paper, while details of the membership of the Regional Councils and Legislative Council and of the powers to be assigned to them are clearly and fully set out in the immediately following paragraphs, and there is no need for me to repeat them.

But there are certain aspects of the proposals to which I wish to draw particular attention.

The inclusion of the Northern Provinces in the constitutional framework is a feature which I am sure will be welcomed on all sides. not least in the Northern Provinces. As Honourable Members are aware, the Northern Provinces cover more than half the area of Nigeria, contain at least half the total population, are responsible for the production of a considerable and valuable part of our export commodities, and contribute their full share of both direct and indirect taxation. It is obvious that the Northern Provinces should take their proper place in the Constitution, have their appropriate share in managing the affairs of the country of which they form so important a part, and have a voice in the expenditure of the revenues to which they contribute so substantially.

Turning to the other main features of the proposals: these involve nothing drastic or revolutionary and though the result of deliberate planning are in no way an artificial or alien imposition from outside or above. On the contrary, they are a natural as well as logical growth, being in fact a development or upward projection of the system of Native Administration which is the adopted policy of this country. I need not remind Honourable Members that this system of Native Administration is based as far as possible on native institutions modified where necessary to bring them into line with the ideas of modern times and civilisation. It is to this characteristic of course—the fact that it is no alien importation-that the policy owes its acceptability to the people and therefore its success. Hitherto Native Authorities have been concerned solely with local administration; in the course of time as their competence has increased so additional duties and responsibilities have been laid upon them. But their functions and interests have remained purely local; and their connection has been confined to the people; so far they have not been directly linked up with the Central Legislature. The proposals now laid on the Table supply the necessary, and I would add most desirable, link. This connecting link is provided by a chain of representation through the Houses of Assembly to the Central Legislative Council. Representation of the people in the Central Legislature is an accepted principle in the British Commonwealth of Nations. The proposals now before you secure such representation to an extent and in a manner compatible with the varying conditions and standards of education and development in the different parts of the country and constitute a very considerable step forward in this direction.

It may be argued that representation based principally on the Native Authorities is not complete representation. I would not go so far as to say that throughout the country Native Authorities as at present constituted are thoroughly and completely representative of the people. But as Honourable Members may be aware it has been the policy, intensified particularly in recent years, to broaden the basis of the Native Authority Councils, to secure the association with the traditional rulers of educated and progressive elements in the management of local affairs, and generally to increase the representative character of the bodies responsible for local administration. Perhaps it will be useful if I digress for a

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moment to cite a concrete instance in illustration of this point. Abeokuta is well known to all of you. It consists of some seventy quarters or townships arranged into three sections each with an Oba as its head. Township meetings which are open to all citizens of the Township select representatives on a population basis to send to the sectional Councils. These sectional Councils discuss all matters affecting the community, such as direct tax, water rates, sanitary measures, market rules, building regulations and so on, and formulate views for presentation to the Central Council. In their turn the sectional Councils select from their members delegates to represent them on the Central Council. These selected delegates with a number of ex-officio members, titled chiefs and certain communal representatives such as the Balogun of the Christians and the Balogun of the Muhammadans and representatives of the rural areas constitute the Native Authority Advisory Council at which are debated all matters of moment whether raised by ex-officio members or by delegates from the lower Councils, and at which decisions are taken. It may be of interest to Honourable Members to know that the Egba Central Council contains a high proportion of literate and educated members, including some qualified barristers. It is a very representative body inasmuch as the organization affords ample opportunity for the full expression of public opinion through freely selected representatives. The constitution of Native Authority Councils naturally differs somewhat in form in different places. But everywhere the organization is based on local institutions and aims at giving the fullest effect possible to the representation of responsible public opinion.

Without undue complacency, I can affirm that considerable and satisfactory progress has been made in this direction, and there is no doubt in my mind that generally speaking Native Authorities are representative of the bulk of the population to an extent that entirely justifies their position in the new Constitution as the main and most important channel of representation of public opinion in the Central Legislature. But in the new organization Native Authorities are not the exclusive channel of representation. As I have said Native Authorities may not all at this stage be completely and thoroughly representative of the people they administer. Therefore as a temporary measure to ensure that no section of responsible public opinion is overlooked that will be of value in the counsels of the country nomination also is provided for. African citizens holding prominent positions in commerce, education or other spheres of importance in the life of the community may be nominated by the Governor to be members of the Houses of Assembly. The system of nomination is thus supplementary to representation through the channel of the Native The two together secure in the fullest measure Authorities. possible representation of all interests. When the stage is reached when we can be sure that full and free representation can be

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secured without recourse to nomination, it will be possible to dispense with it. The same consideration applies to nomination of members to the central Legislative Council.

Before leaving the subject of nomination. I should like to refer for a moment to an objection that is sometimes raised to it. I have seen it stated that nominees of Government are all Yes-men taking their tune and time from Government. Those making such insinuations cannot I think have studied even cursorily the Hansard records of this Council. The Budget debate recently concluded ought to have convinced even the most bigoted of the falsity of the suggestion: nominated members were at least as frank and outspoken in their criticisms of Government as the elected members. And some of the epithets applied by nominated members to Government Policy and performance were not exactly the terms that one would normally expect to hear from out of the mouths of "Yes-men". One Honourable nominated member indeed, if I remember rightly, earned considerable applause in one organ of the Press for his vigorous attack on Government.

I come now to the African majority. I have seen it stated in certain guarters that the African majority provided for in the Houses of Assembly and in the Legislative Council exists only on paper since the Chiefs and the Native Authority Members, knowing which side their bread is buttered, will invariably and on all occasions range themselves on the official side. If any Honourable Members have any apprehensions of this kind I would hasten to re-assure them. There is as little substance in this suggestion as in the suggestion with which I have just dealt that all nominated members are "Yes-men". Whatever may have been the position in days gone by I can assure Honourable Members that nowadays Chiefs and Native Authority Councillors are by no means lacking in ideas and opinions of their own, nor might I add in courage to express them, often with startling frankness. Any members who are still unconvinced I would invite to attend with me a Council meeting say at Benin or Ibadan when a controversial measure is being discussed.

Will the new proposals work? The basis of the new Constitution is the Native Authorities which are closely connected with and representative of the people to a degree that varies in the different regions but is, generally speaking, reasonable and adequate having regard to local political development. Experience during these years of war has proved conclusively that this part of the Constitution works, and works well. The new constitutional feature introduced by the proposals before you is a connecting link from the people, by means of a chain of representation through the House of Assembly to the Central Legislature. I have already made reference to the principle of representation: it is nothing new in this country; it is well known to the people and is found in their own institutions. Village or Group Councils are accustomed to select delegates by their own methods to represent

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them on superior or central Native Authority Councils. Again the Houses of Assembly, though now for the first time finding a place in the Constitution, are not entirely a novelty. They have their prototypes in the Chiefs' Conferences that have been in existence in the Northern and Western Provinces for a number of years, and in the conferences of Native Authorities that have been convened unofficially from time to time on a provincial basis. These conferences have in the words of Sir Bernard Bourdillon caught the public imagination and there is no doubt whatever of their widespread appeal. It is proposed to assign to the Houses of Assembly certain financial powers. In regard to legislation their functions will be deliberative in the first instance, their powers in this respect being limited to advice and the proposal of amendments to Bills laid before them, but with the prospect of being allotted fuller powers in due course. Will the Houses of Assembly be capable of exercising the powers it is proposed to give them, wisely and competently? Experience supplies the answer in the affirmative. The Native Authorities, who will provide an important part of the membership of the Houses of Assembly, are accustomed to debate and decide questions of local interest, they are well able to discuss intelligently and usefully, and many of them to prepare their own draft estimates; they have undertaken additional duties and responsibilities as a result of war conditions satisfactorily and competently, and undoubtedly have developed a greatly increased sense of responsibility and public spirit. Having proved their mettle in their own sphere they may be confidently expected to be equally successful in a wider field. This is not wishful thinking, but is based on good solid ground: as each passing year has shown, the Chiefs' Conferences in the Northern and Western Provinces have provided valuable practical training in debate and education in thinking constructively and regionally.

In the light of all the foregoing considerations there can be no doubt that the new Constitution will work and will work well.

Finally, there is the very important question, will the new Constitution be acceptable to the people? My own opinion, based on knowledge of the people which I have acquired in the course of service as an Administrative Officer in many different parts of Nigeria, is that it will be entirely acceptable to the vast majority of the people. And it is their interests and their opinions that are our principal concern. That is my opinion; there may perhaps be some Honourable Members who are not inclined to attach to it the weight which I think it properly deserves! Happily I am, able to reinforce my opinion with evidence which cannot lightly be ignored. In the last month or so I have had opportunities of discussing these constitutional proposals with four of the principal Native Authorities of the Western Provinces. They are all men with an intimate and unrivalled knowledge of the people, of many years' experience of administration and politics, and keenly

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interested in the welfare and political progress of their people. They between them represent a large section of the population of the Western Provinces, important not only numerically but important also by reason of the standard of education and general development to which they have attained. These Native Authorities have expressed warm approval of the new proposals and their high appreciation of the very considerable political advance which they represent.

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

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

Your Excellency, I beg to second the Resolution.

I have come here today, Sir, to make a suggestion based on my knowledge of the people in the East—people of my constituency that this Sessional Paper No. 4 of 1945 be read six months hence from today, so that time and opportunity for study and criticism may be afforded the masses of the people who are affected by its implications. Since then a situation has arisen—a very convincing one—that I feel that the weight of responsibility on my shoulders urges me, in such a critical position, to give my approval as far as the general principles enunciated in these constitutional proposals are concerned:

When I first read this Sessional Paper No. 4 of 1945, I was filled with enthusiasm and happiness. I. felt that it was like water to a parched and thirsty land and that the people of Nigeria will welcome it as their due, which is really overdue. Since this Sessional Paper was laid on the table of this Honourable House by you Sir, there has been much criticism from individuals communities and the Press. I may say that I am in sympathy with most of the criticisms, because I think they are genuine and come from patriotic hearts. There may be some misapprehension, or the critics may be misguided, but still they are given in good faith.

It is considered that most of the Unofficial Members when they come to Council they merely come to throw bouquets to the Government. I make bold to say Sir, that if there has ever been a time on which Government must receive praise or be bedecked with flowers it is in this instance. In seconding this resolution I want to say right here, that I do not give support to all the details in this Paper, no proposals whatsoever can be perfect. I feel that these proposals should be given a trial and in the light of experiment and experience we could in the future amend them.

People are always suspicious of the Government and I think it is the general opinion of the people that Government is a very dangerous customer, a doubtful and difficult institution which while being cherished must needs be critically watched and even suspected. It is said that Government words are not to be taken on their face value that every phrase is intentionally couched

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and designed to mislead the simple and probably confuse the wise. Having regard to the sincerity with which this Sessional Paper No. 4 of 1945 has been presented I think that Nigerian Government has given a lie to this description. I want to say, Sir, that a Government that has presented this Paper must surely be a great benefactor and brother of the people. I wish that that spirit of brotherliness and brotherhood would cement, unite and permeate all our endeavours. This Paper is a step taken in the right direction which will lead the people to have more and more confidence in the Government.

Having regard to the immense physical size of Nigeria, the largeness of its population, the diversity of the languages of its numerous tribes, one can perceive the magnitude of the task undertaken when planning the Political and Constitutional Future of Nigeria. It is a great and gigantic venture and we are glad and confident that your Excellency's shoulders are ample for it. The mover of this Resolution has given us his expert experience based on his wide administrative service of this country and I credit everything that he said. I therefore do not propose at this present examination of this Sessional Paper to strip it of its external beautiful garment as the Honourable the Commercial Member for Lagos did when he addressed himself to the task of criticising Sessional Paper No. 6 of 1945 a companion of this Paper. A time will come to deal in detail with this Paper then it will be necessary to strip it, I hope, not in order to expose its ugliness, but to bring its exquisite beauty and symmetry to view. In paragraph 3 of this Sessional Paper the aims and objects of these constitutional proposals are well set out and which I summarise thus :---

- (a) To promote the unity of Nigeria.
- (b) To secure greater participation by Africans in their own affairs.
- (c) To evolve a constitutional frame-work covering the whole of Nigeria and a Legislative Council on which all sections of Nigeria are represented.
- (d) To create Regional Councils in the three main sections into which Nigeria politically and constitutionally has naturally fallen namely North, West and East, under their respective Chief Commissioners.
- (e) To forge political and constitutional links connecting Native Authorities with Regional Councils and through the latter to the Legislative Council and so establish an understanding among the Native Authorities of the North, West and East. One can visualise the future team work and inter-relation of these three sections of the country so that when they meet in the Legislative Council in the future they meet with mutual understanding for a common purpose.

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(f) Finally to achieve an unofficial majority in the Regional Councils as well as in the Legislature. I think these are worthy objects. Sir these proposals are acceptable in principle and broad outline.

The frame work of the Regional Councils appeals to us very much. We note carefully that their structure is built on similar foundation and pattern though in certain details and ingredients. they differ. We appreciate the fact that the system of Native Authority would continue its evolution, probably with greater acceleration and that increasing authority and responsibility will devolve upon it. The constitution of the House of Chiefs is to us from the East very obscure and the Mover of the resolution did not give us any explanation on this point. In the North there will be the House of Chiefs and the Houses of Assembly. This has been critically studied with much concern. There is no House of Chiefs in the West and the East. We observe Sir, that the West and East have only Houses of Assembly because their people are more democratic. There is a point Sir, which calls for some elucidation, that is, whether the members of the House of Chiefs in the North are officials or unofficials; whether they are officials in their Regional Councils or in the Legislature? We note also to what extent the unofficials will preponderate in number over the officials both in the Regional Councils and the Legislative Council. We are not quite satisfied with that. At any rate that is a detail that will be adjusted in the light of experience. In the North the Chief Commissioner presides over the Upper House while the Senior Resident presides over the Lower, and in the West and East the Chief Commissioners preside over the Houses of Assembly in their respective provinces. It would appear, Sir, that in the East there are no Chiefs, for the Chiefs of the North and the West are given seats in the Legislative Council, but the Chief in the Eastern Provinces are not provided for, I want to say right here that we have eminent Chiefs in the Eastern Provinces the only difference is that, their early contact with Western civilisation made them tolerant, civilised and cultured after the Western pattern. In the past they had their own system of government, made their own laws and saw to their execution. had their judicial system and punitive institutions and even though they did not maintain regular armies yet they readily waged war against their enemies, entered intelligently into Treaties and negotiations with foreign Powers. To-day through their civility, docility and, to a great extent through economic frustration lack of coherence and independence, they have lost much power and influence.

It is a fact Sir, that in the East and West there is a sort of democracy but it is only a sort. It is an indisputable fact that democracy in young countries without sufficient educational, cultural, moral and spiritual background tends to lawlessness. The young and progressive elements are inclined to despise and

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look with contempt on their ignorant natural rulers. Government should take notice of these things in order that in the native authority system due safeguards might be found, so that the people may hold in veneration things and customs which are sacred and worthy of veneration in so far as those things and customs are not repugnant to good government, natural justice and good conscience. There is much to be done to improve the native authorities. I agree that it is not a thing imposed from outside or above but I made reference to this fact before that the administrative officers take the lion's share of work in the native administrations. The Chiefs and members of the native authorities are in a way "Yes Sirs." It is not that these administrative officers do that in order to despise the people but it is because of their eagerness to see things through that they assume so much. The people have been altogether too much spoon fed, and I suggest Sir, that more responsibility and confidence should be given to the natives. Let them be induced to work, for by working they will acquire experience and skill.

I have very little to say about the Legislative Council. It is very well described and outlined and is very acceptable. Doubts have been expressed in certain quarters about the African Unofficial majority as being a mere camouflage in that the Emirs are officials and even if they were not the African Unofficial majority is very insufficient.

The financial responsibility and function given to the Regional Councils have been studied with much interest. This is fully described in Appendix I of this Sessional Paper and we have accepted it in principle, details will be adjusted when these proposals are given trial.

On the whole, Sir, this paper holds out a really good future for Nigeria and if in the execution of its valuable contents care is taken not to destroy its spirit and that we look for better understanding and harmony between the Africans and the Europeans, endeavour to sympathise one with another, encourage the Africans by love and kindness—I do not know whether the word "love" is a compatible term with government—I think, Sir, untold good will be achieved.

The introduction of Sessional Paper No. 4 of 1945 and its companion Sessional Paper No. 6 of 1945 presented to the Legislative Council created a record in the history of this Legislature and a monument to the memory of Your Excellency. In this Sessional Paper the plan for the foundation of the political and constitutional future of Nigeria is well and truly laid and we are now anxiously looking forward for the imposing superstructure that will be raised. We will do our utmost to contribute to the erection of this structure. In a very blunt way Sir I have tried to express my personal views in a general manner on this Sessional Paper. I accept, I must re-iterate, the broad principles of this

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constitutional proposals and I know that the details will severely come in for constructive criticism in the light of experience.

Your Excellency, I want to say that this constitutional proposals have really come in time, but we feel that we should have been given more time so that we might consult our constituencies before they are adopted but the matter is convincingly urgent, time is pressing and under the circumstances and in the light of the explanation given by the Mover of this Resolution the Honourable the Acting Chief Secretary to the Government, I feel that we should adopt it in principle at once without further delay. Your Excellency, your personal interest and efforts as well as those of your staff deserve our appreciation. When one takes into consideration the colossal expenditure of time and energy involved in getting up this paper we are constrained to thank you. With these few observations I second this Resolution.

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

Your Excellency, I think it was two sessions ago at this Legislative Council when I raised the question of the necessity for constitutional reform for Nigeria. You have placed before us. Sir, a paper showing those reforms. I cannot go back now and say that we don't want reform. We have asked for it and you have placed it before us, and as far as the general opinion of this country—as much of it as I have been able to gather—is concerned it is considered a great improvement over what has existed before. If there has been any difference of opinion it is only as regards certain details.

I think anyone who might be inclined to criticise this constitution, Sir, will do well to note this sentence in Your Excellency's Address, and that is "that the moral forces behind Government matter more than the forms of government". There is no doubt Sir, that however attractive may be what Your Excellency has laid down, it is the spirit behind it that counts.

Another thing, Sir, which has given very great satisfaction is the fact that Your Excellency has been able to bring in the Northern Provinces, to make it possible for the Northern Provinces to be represented on the Central Legislative Council. I think that is a great step forward. We all say here that we are looking forward to a united Nigeria. We are looking forward to becoming a Nation, and I think, Sir, by taking the step which you have taken, you have helped us to lay the foundations for that nationhood. The job of preparing a constitution like this I am sure must have given Your Excellency and your advisers a considerable amount of thought. It is no easy task at all, especially in a country like Nigeria, where conditions vary so much, and at the risk of being accused of showering too much praise on Government I cannot help praising Your Excellency for the immense amount of thought which you must have been given towards framing these proposals.

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leave to Government to help direct us in, and I think this Sessional Paper No. 4 which is before us we ought to leave to Government and take it trustfully and thankfully as it has been put before us. I feel it is a big step forward. As it has been said, we have been asking for it and I think we are getting it. I sympathise with those who feel that time should be given to discuss or digest it, but I feel delay is dangerous, Sir, in these dangerous times. Governments change, the people change and we do not know this year what may be this time next year, and I think we ought to take this Paper, and the Resolution and all that concerns it in good faith and get a move on with something tangible. Here is an opportunity to the whole country, and I see here that all parts of Nigeria will be coming in, and I do not think we have anything to fear through that. This is what we have been asking for. Hitherto we have felt that all Nigeria has not been represented in Legislative Council, and some time ago when I said something about Kabba Province I was made to understand that Kabba in the Northern Provinces was not represented in the Legislative Council of Nigeria. I still hold that it ought to have been represented and now that it is to be represented I think we ought to be thankful Sir. Therefore I say we ought to take this trustfully and say thanks for all that has been done, and loyally to work out this our own salvation. We therefore thank Your Excellency for all the trouble that has been taken to bring forth this Paper, and I feel that when we have studied it and had more time to study it we shall all the more be thankful. I feel it should come into operation as quickly as possible. Sir, and as I said before delay is dangerous and that is one of the reasons that I do not agree with people who say we should take these things home to present to our constituents and come back here some month after. As I have already said Governments change, people change, and we know that the winning of this war will bring big changes in other parts of the world, and as I feel this Paper will be discussed even in England, the earlier we say yes to it the better it will be for us in this country.

There has been something said which I would like to repeat, Sir, and that is the feeling of our people now that our rulers are coming in. I do not quite know whether their coming in will in any way upset their dignity or usefulness or, I may say, the respect of their people. Something has been said with regard to our chiefs. I don't know what to say because sometimes we call them Obas, which in Yoruba I know means King, sometimes we call them chiefs, and sometimes we call them Ijoye, and I know this upsets the minds of many rulers in the interior. I say that because I know. We should like to know what they are. We began our Chiefs Conference by saying a Conference of Obas. Well Oba means King, and to all intents and purposes all our people all over the country look up on their Kings and Chiefs, and I don't know that anyone would call the Oba of Benin a chief,

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or the Alafin of Oyo a chief, or the Alake of Abeokuta a chief. You may call him a chief and we may call him a chief, but to their people they are kings and chiefs and rulers. So I say, Sir, that in these Conferences I think we ought to know what to call our people, whether they are kings or whether they are chiefs. I think they will want to know that. You may say this should not upset them, but take today in Europe where we have small countries that have been over-run and are being liberated. Well their rulers are called Kings and Queens, and I do not see why our people should not be entitled to have their right title of what they are. Whether Government is going to recognise that or not I don't know, but I know this, that the people in the interior are much concerned about this, and I think the rulers too. They are not in a position to say so and I take this opportunity of saying it here, whether I am right or wrong, Sir. I don't know what things then we are going to have with regard to these our rulers if we don't know what to call them now. Sometimes as I have said we call them Obas, sometimes Ijoye, sometimes Chiefs, and sometimes Headmen and so on. But I do hope that this coming into Council will enhance their dignity and encourage their usefulness.

Reference has been given to the Chiefs on the Eastern side, that once some of them were ruling people. Though they had that dignity, though they had that power, today as far as I can understand it many of them are just heads of houses, and gradually if things should be allowed to go on like that I don't know where we'll get to. The time will come when people will lose respect for their rulers, and I hope this will not be encouraged in any way Sir. I don't say Government is encouraging it, but something has been said with regard to some of those who do administrative work. I think, as has been said, it may be that so much power has been put in the hands of young people coming out from England that sometimes they think they are the rulers and not the servants. But I think this will in time be better as we can see signs already, and I can say if one wants to see where administrative officers and rulers are working together amicably come to the Ondo and Kabba provinces and you will see there people who are really working with the people and not taking the part of rulers when they ought to be servants. I say this here, Sir, because I know many young people come out with good intentions, but before they get out here they are spoiled on board ship, perhaps, in being taught how to handle Africans. They come out here and go from one extreme to another and lose their balance. I do hope the future will be better for this country, where our rulers will be respected and where our people will not think that an administrative officer is the ruler and the ruler of the place is in a smaller position than the administrative officer. I say this because I know, and I feel that this has a bearing on this. As I said before, in Europe small states are still calling

their rulers Kings and Queens and I don't see why in Africa our big people should not be highly respected, as I know they are respected by His Excellency and big people, but in some cases the smaller people think they are the rulers and the rulers are their servants.

Another thing Sir. I feel that we should bring these chiefs or rulers up to a standard fit for Legislative Council. I feel that when they do get there they ought to have a chance to travel and see the outside world. If they don't have that I feel, Sir, we should give much consideration to their children to be properly trained, so that they who are the future rulers of this country may be in a position to cope with the people they are going to meet with in Legislative Council, because none of us here would like a chief or king to come here and be feeling himself in an inferior position through not being able to speak English in this Council. I feel therefore Sir, that the sons of our ruling people should have a bigger share in scholarships or whatever you may feel to do in having them trained abroad so that they may be better. fit to rule their own people with wider experience. And this I feel too Sir, that in this our new Constitution our Members of the Legislative Council, especially the people who have not had a chance, should be allowed to see the outside world. The very sight of Europe I would say is a great education, and people sitting here year in year out, they cannot know much of what is going on outside except what they read from books, and I feel it would be a great help to the future if our Legislative Council Members, or people who are in responsible positions, be allowed to travel and to go and see perhaps the House of Commons and hear Debates there. That would be a wide experience for many of us, and I feel it would be a great help to the Constitution of the future.

Well, Sir, although I have digressed a bit from this Paper on the table. I feel it is very important indeed. I don't know what else we could put in its place Sir. We have been asking for something and we have got that something, and if anyone can suggest anything better I think he should come forward now and do it. But to delay this Paper I feel is very dangerous and the earlier we get on with it and get it through the better it will be for this country Sir. Therefore in conclusion I would say that on behalf of the people of this country, and I think we can explain it to them, I think we ought to thank Your Excellency and all those concerned in this. And I wish specially to thank the Chief Secretary for the masterly way in which things were explained and I think we have taken these things in good faith, and all in this House, whether Members of Council or not, I think should feel that in this Paper we ought to trust those in authority, knowing they will lead us to a better Nigeria, a greater Nigeria. And as we talk about self-government, etc. I think, Sir, we are getting towards it, and may God help us to have this as the beginning of

something grand and great. I wish it all success and I wish it everything that is good, and I most loyally support this Paper.

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

Your Excellency, we are very grateful to Your Excellency for the paper you have tabled—Sessional Paper No. 4 of 1945. In it you dealt with so many subjects like the Houses of Assembly and the House of Chiefs, head chiefs and things like that. Let me say at once, Sir, that I still have to see and look upon that Member of the Council on the Unofficial side of this House to speak for the people of this country without having received a mandate from them. It is true that we have read this Paper, we may have digested it, but our people have not seen it.

The Acting Chief Secretary told us this morning that in confidence he has told some of the Chiefs in the Provinces—four Head Chiefs in the Provinces. We have so many Head Chiefs in the Provinces that we cannot place much importance on four Chiefs only, and even these four Chiefs will have so many subchiefs and these sub-chiefs have so many people under them. They are entitled to be consulted because it is a matter that concerns their welfare and the welfare of their posterity. It will not be just to put our signature and approval on a paper of this nature without being given the opportunity of going through it thoroughly with our people, without our people thoroughly digesting it and assimilating it.

I am asking, Sir, that we be allowed to go back to our respective provinces and consult our people. We are dealing with twentytwo million people in this country, and this paper must have taken six months or more to prepare, and we are expected to deal with it in less than a fortnight or less than that. I say, Sir, that it deals with so many matters such as the Houses of Assembly and the House of Chiefs and so on.

It would be proper for me to state that in making various observations on matters arising from the Sessional Paper, the question of nomination was dealt with this morning by the Acting Chief Secretary. I happen to be a product of that system. I have it said once in this House that although I am a product of it, yet I am not in favour of it at all. I said so even to Lord Hailey when he asked me about what was going to be one of the reforms in future. I told him that the system of nomination should be removed altogether and be replaced by Adult Vote.

You have told us in your Sessional Paper that only Lagos and Calabar will continue to enjoy that system of election. I am saying, Sir, that we are not satisfied because even in more civilised places, as I said in my address during the Council, there was a Borough in England whose voters were about five thousand and only eight hundred of them came out to vote. That obtains in all parts of the world, and I think we are ripe in this part of Nigeria to be given the advantage of electing our own representatives.

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I know, Sir, that the House of Chiefs is only in the North, and the Houses of Assembly are in the West and the East, and in that connection we have so many names of Officials to be present at the meeting of the Chiefs. I am afraid that will lead to a frustra--tion of our aims, because the presence of these Officials will embarrass many of the Chiefs. The Chiefs' Conference, as I may say, has never received my approval. I have expressed this to some high Officials that this Conference every year has not helped, and I am still to be told of what has been done in this Conference. You have scrapped it, but we still have it in some other form in these Houses of Assembly. If the Chiefs are allowed to elect among themselves who should be members without the Chief Commissioner being present, to obviate anyone wielding any unnecessary power upon them, as it is noticed in the Chief Conferences. By the peculiar system of Government obtaining in the country the average African Chief had no mind of his own when discussing any matter with a District Officer, not even to mention the Resident or His Honour the Chief Commissioner who under the proposed Constitution, would preside over the meeting of the Houses of Chiefs and Assembly. The chief must simply obey. He cannot think for himself. He has been told that he is an integral part of the machinery of this Government. If the Chiefs are an integral part of this Government, I fail to see how their presence on this side of the house in the Legislative Council can be regarded as majority, for that majority vanishes if and when Your Excellency choose to use your casting vote.

We cannot properly and conscientiously regard the Chiefs as Unofficials. It was so stated by Sir Donald Cameron in his paper on Native Administration and in so many addresses in different provinces he made reference to it, and Sir, in that paper from which I quoted the other day, when installing the Awujale of Ijebu Ode. If these Chiefs form an integral part of the Government as such their proper place should be on the opposite side of the House, we cannot count upon their vote. I fail therefore to see how we can be said to have a majority on the Unofficial side of the House.

We are very grateful to you, Sir, that Northern Nigeria is being represented in this House. Hitherto, it has been the practice of Your Excellency to represent Northern Nigeria. We are going to sit side by side with the people of the North. That will unify Nigeria and as someone has said this morning, will lead to the nationhood we are crying for. I have only made this remark as a tentative one; I believe this Sessional Paper, although very few in pages, is very important and I still need to be told by any Honourable Member that he can speak for his constituency without receiving mandate to do so. I ask that you allow us to take it back to our people for consideration, correction and adoption, so that when we come back to this House we may lay before Your Excellency the opinions of the majority of the people of Nigeria

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We cannot do it now faithfully and sincerely for it is said that time is pressing. I do not think it should be so pressing as not to give the twenty-two million people of Nigeria time to consider what is their concern and the concern of their posterity. I respectfully ask that we be allowed to take the paper back to our constituencies and in about three months we can come back to consider it so as to be able to deal with it effectively.

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

It was not my intention to speak upon this motion, but, as the Honourable Member for Ijebu has asked or suggested that this paper be held up for a number of months for consideration, I, as a member representing vested interests—and vested interests are only a matter of degree because in reality everyone who owns anything in this country has a vested interest, and probably the greatest vested interest in the country is the Press-I, as a Member of this Council representing vested interests wish to thank the Honourable Ernest Ikoli for having referred to me, referred to representatives of the vested interests, as advisers. I have always taken it upon myself, in so far as commerce and the welfare of the country as a whole are concerned, to endeavour to advice Unofficial Members on this side. Some times my advice has been accepted but other times it has not. I have risen, Your Excellency, upon this occasion to give a little advice before the proceedings go too far. This particular Sessional Paper, which affects mainly Nigerians, residents of the country, the African people who live in the country, is I believe already upon the table of the House of Commons at home. Well, Sir, we know how things are. shaping. The war may end at any time. With the conclusion of hostilities there may be a General Election at home. That General Election may bring a change of Government. It may not. Whether it does or whether it does not, I think it can be taken as fairly certain that whatever new Government comes into office at home it will spend its first two years unravelling its own problems and will have little time for Sessional Papers concerning the Constitution of Nigeria, and I feel Unofficial Members of this House should look upon the Sessional Paper from that angle and take the advice of the Venerable and Honourable Archdeacon Lennon and treat it as a matter of urgency. The people have asked for constitutional reforms from time to time. They are constantly asking for them. I do not disagree with their request. Now that they have been offered the first change I think it will be very very foolish on the part of their representatives to delay and dither on the plea, or the excuse, that they wish to consult their constituents. In most cases I should imagine the constituents probably consist of the ruling Chiefs. The other members of their constituencies are scattered far and wide. They never see them-they never will see them-they never want to see themand so far as the constituents are concerned, if the constituents consist of the ruling Chiefs or the accepted Authorities-accepted

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has not been strengthened in putting forward new ways of life, bringing them into contact with western ways of life and ambition. They were made as it were to throw away their constitutional way of administration and when that happened they became powerless and in that way lost their status. Should not this new constitution in a way help those Chiefs to come again into their former position? I know Government can do it, and once their position is strengthened the people will look up to them as their leaders, but with this constitution this cannot be. I know that many of the Chiefs, whatever their position today, regard themselves as rulers of the people. It does not matter whether a man is poor or not. the fact that he is chief of the community demands respect. But when we have a constitution which will place him on the ordinary level of the people over whom he thinks he is head by divine right, he is in a way discouraged, and I do not think Government is out to discourage people in their aspirations to administer their business in a way suitable to them, but to encourage them to use their ability as best they can. So I feel that in working out details that might be given some consideration. My belief is that this constitution, as has been said by Honourable Members, is experimental. In three or six years time we may be able to find flaws and remedy them, but one of the first things we ought to think about there is to see how we can strengthen the position of our Chiefs so that they will be used adequately for administering the country.

Again I do not feel, Sir, that the representation in some cases is adequate. Take the Eastern Provinces for instance. I know these Provinces well, Onitsha, Ogoja, Calabar, Owerri, I do not know how these Provinces can be well represented by nine provincial members. Take the vast tribe of Ibo people, the vast tribe of Efiks and Ijaws and Ibibios. How can they be so well represented by nine provincial members?

In supporting this constitution heartily I must express my feelings to you about these points which have been in my mind, and I hope that in the final dispensation of it these things might be considered.

With these remarks, Your Excellency, I support the constitutional reform.

Council adjourned at 12.30 p.m.

Council resumed at 2.30 p.m.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

Your Excellency, in rising to support this Sessional Paper No. 4 of 1945 I might say that I accept everything in principle. It is more or less a masterpiece and it shows exactly how very keen you have been since your arrival in this country in going round to see the people and the various places and Chiefs, in getting to know their native law and customs and exactly their needs. As

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a "Yes men" I must say in fairness to any criticism that might follow afterwards that I have always tried in my life to act after the dictates of my conscience. I see absolutely nothing wrong in the constitution as laid on the table.

Coming to details I am not quite clear about the Unofficial representation in the Eastern House of Assembly and I expect later that His Honour the Chief Commissioner for the Eastern Provinces might be able to throw some light on it. I find that you have nine Provincial Members to select. There are five Provinces in the East—Ogoja, Onitsha, Owerri, Calabar and the Cameroons. Well if Calabar is to be eliminated for the simple reason that an elected member should be sent to the Central Legislative Council you are thereby left with four Provinces with nine members. I like to be clear and to know exactly what the ratio would be—2 to 1 Province or 2[‡]. But if Calabar should still enjoy the privilege of having a Provincial Member to send to this House of Assembly it would mean a duplicate member—an elected member and a selected member—I am open to correction but as far as I can see things that is how I see them.

Sir, I follow the lead of the previous speaker, the Honourable Member for the Rivers Division that this does not represent the number of people who comprise the Eastern Division to have only two members representing each Province. I would advocate, Sir, for at least three or four Provincial Members to each Province. That is my own recommendation, Sir, and without saying very much I heartily endorse and support this Sessional Paper No. 4 of 1945 as laid on this table. I am making this decision for my constituency. The matter is of such vital importance to us to have these reforms and it is up to us to play the game and accept them.

The Commercial Member for Kano (The Hon. W. T. G. Gates): Your Excellency, I have been away from this country for five months and owing to unforeseen transportation delays I received my copy of this Sessional Paper only twenty-four hours ago. I have not therefore had an opportunity of studying it as I should have liked to have studied it or to discuss it with others. There is no doubt, however, that the main principles are what we want, they are sound and practical, and although there may be considerable discussion about details, I do not think we need worry about that.

These changes in our constitution came to us unexpectedly and I knew nothing whatever about them until yesterday. I believe, however, that this Sessional Paper will be regarded as a milestone in the history of the development of this country, and particularly of the Northern Provinces. We are at the opening of a new phase in the development of the North and I am quite certain that the new constitution will be welcomed by every section of the Northern community. If I may say so, Sir, I think that, at last, Northern Nigeria has been given what may be described as "official recognition." I have spent practically the whole of my tropical life in Northern Nigeria. I think I understand its people, and this constitution will undoubtedly give them the encouragement to continue to progress as they have progressed in the last few years, and will give them the opportunity of expressing their feelings, criticisms, and suggestions which will eventually come before the Central Legislature. I hope I am not like the Yorkshireman who thinks that only one county can play cricket, but in view of the great economic resources and potential importance of the Northern Provinces, I think they will play a progressively outstanding part in the development of the country as a whole.

It is proposed to have two Houses of Assembly in the North, and I think the suggested form of representation could hardly be bettered at the present time. It is now up to the representatives of the various communities to say what they think and to put forward their ideas. They will be given their chance under the new constitution and I do not think for a moment that they won't take it.

I wish to support with enthusiasm the proposals made in this Sessional Paper. I support those members who have spoken before me, and I urge that the changes should be brought into being with the minimum of delay. I think that is of the utmost importance.

The Member for the Warri Division (The Hon. J. Ogboru) :

Your Excellency, it appears that the Honourable Unofficial Members are supporting this Bill. When this discussion came on several Unofficial Members preferred that the matter should be postponed for about a year or six months. Now Unofficial Members are supporting this Bill without any reference to the other Members of the Council. A meeting was convened and since then I have not heard anything from the Members. Although I support Sessional Paper No. 4 the full details should be explained.

I support the Sessional Paper.

The Member for the Ibo Division (The Hon. E. N. Egbuna):

*May it please Your Excellency. In rising to support the motion before this House to the effect that the Sessional Paper No. 4—the proposals contained in this Sessional Paper—should be approved, I find myself in the enviable position of one who has had the opportunity to listen to all the Honourable Unofficial Members and having only to say that I agree with them. There has been some difference of opinion as to whether, in view of the importance of the document itself, it was not necessary to refer the proposals to the various constituencies. But in view of the fact that not only do we represent those whom we are nominated to represent here but we represent ourselves and the whole of the country. I think it is possible for us to express our own opinions

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even though we may be inclined to qualify them and say it is personal, but it would in a measure represent the views of the people who sent us here. Indeed there can be no doubt that the proposals can be improved upon. It is quite likely that having regard to the criticism of a scanty nature which has appeared on the matter that it will not take long before all necessary adjustments and amendments are made so as to make it satisfactory to all persons concerned. There is, Your Excellency, dissatisfaction over the mode of nomination to this House, mode of entry to either House of Assembly or to the Legislative Council. There are those who hold the view guite naturally that Members should be elected and unless they are so returned to this House as elected Members they do not really represent the wishes of the people, and there are those, of course, who hold that in view of the present circumstances and prevailing conditions that the principle of nomination best serves the interests of the community at large. There is much to be said for both arguments but following the advice of the chief adviser of the Unofficial Side, the Commercial Member for Lagos, I think one might safely regard the proposals of this document as a gift horse.

We have clamoured for some time for constitutional reform. We have got some proposals for constitutional reform and whether they are satisfactory or not time will tell. In the meantime the important thing is that we have got something which is far in advance of what we had before. It is highly problematical to expect that the Government which will be in power after the cessation of hostilities may be favourably inclined to consider wider schemes of constitutional reform. It would depend very largely on what party gets in and whether it is the Tory Party or the Labour Party. So many problems of major importance will confront it that it is quite likely that under the circumstances it would not be possible to grant this country something in the nature of what Your Excellency has recommended for adoption.

Dealing with one minor point, Sir. I would like to mention the framework of the Houses in the Northern Provinces. I am not quite certain that it is absolutely essential to have the House of Chiefs in addition to the House of Assembly. In my view it is a concession and a privilege which could easily have been avoided because whether the first grade Chiefs who would be returned to this place, to the Legislative Council, come here as Members of the House of Chiefs or as members of the House of Assembly, there is no doubt that they would be expected to represent the opinions of the Northerners. The concession may have been made because the Chiefs of the North are influential and conservative in their outlook and therefore it might have been thought not necessary to return them to the Lower Assembly where there is a risk of contamination with the common folk.

No explanation, Your Excellency, has been given in this Sessional Paper to justify the existence of that House of Chiefs in

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the North, but if it is thought necessary, that it is essential if only for the purpose of securing the actual goodwill and co-operation of the Northerners, then I must say I cannot quarrel with it.

I must say that, as many members have said, I would feel happier if this constitution had embodied principles which would enable members to be elected before being returned to this place. It is not because an elected member is ipso facto more efficient than a nominated member but there is a feeling that a person who is elected enjoys a greater measure of confidence of the people than one who is actually nominated. It would of course depend on the individual's sense of responsibility. A nominated member may be more conscientious than an elected one and vice versa but while, in Your Excellency's view the time has not really come to consider making the principle of election general to the whole country, it is hoped that notice will be taken of the view expressed in paragraph 26 of these proposals and that as soon as possible efforts shoud be made to find out what public opinion is on this very important question and in a way try to satisfy us, because there are those who feel that an elected member who is returned here is still better for their own purpose even though he is not as good as a person who is nominated. I agree with that view and I think the sooner people are given the opportunity to elect their own members in order to enable them to gain the practice and experience of institutions like this, the better. As things stand there is the difficulty of selecting people to the House of Assembly because it is agreed that in most Provinces, Western or Eastern, there are hundreds of Native Authorities and there will be real difficulty in choosing the proper person to come to this place and without guidance of some sort it would be difficult even for the members of Native Authorities who have been elected to the House of Assembly to select the person who would adequately represent their views in this Council.

I must confess I am aggrieved at the thought that towns like Onitsha, Enugu and Port Harcourt were not considered sufficiently ripe, sufficiently intelligent, to be able to decide for themselves who their representatives at the Legislative Council should be. I know there have been difficulties in Lagos as there are everywhere. I know that it is said that even in Lagos people are so apathetic that only a very few give themselves the opportunity of voting but that is the same everywhere—in England and in the more enlightened countries. People are the same everywhere and it is only a very small percentage of the people entitled to vote who ever make use of their vote.

In supporting this proposal, Sir, or whatever amendments Your Excellency might be inclined to make after a thorough review of the criticism, if I may call it criticism, of the Honourable Members of this House, I should say again, Sir, following the view expressed by the Commercial Member for Lagos, while the debate on the development plan was on, that those who were

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responsible for the framing of those proposals, which we all agree do to a very large extent satisfy the legitimate aspirations of this people, would as far as possible remain in office to make quite sure that the principles which are enunciated are put into practical effect. It is not sufficient, Your Excellency that we should have proposals upon which everybody is agreed and desire, the principle is one thing and the practicalisation is another, and I am certain, Sir, there will be a lot of difficulties which Your Excellency's team of hard working assistants are bound to meet. It is quite certain in framing these proposals, especially for the Houses of Assembly and the House of Chiefs a lot of detailed work must have been done and the difficulties which naturally arise are well-known to those parties who recommended the proposals. Unless they have the opportunity of staying long enough with us to enable them to help rectify whatever mistakes that might be made in the proposals, then it is quite likely that the constitution itself will not work very well. That being my view I hope Your Excellency it will be possible if the constitution itself is approved to bring it into effect as soon as possible. The sooner, Your Excellency, the better for all concerned. It would then enable us to make the maximum use of the three years period given to us to try out the constitution as much as possible and try to bring it into proper working order.

Everyone has congratulated you, Your Excellency, on the magnificent effort and I think I would be lacking in my duty if I do not join them and say it has been very good work and we hope the practical effect will be as pleasing to us as the document itself.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

May it please Your Excellency; I came here this morning for the purpose of delivering some message which my constituency have asked me to deliver to Your Excellency. I believe the message was the one which the Honourable Member for the Warri Division was referring to when he said that it was decided by the Honourable Members to ask Your Excellency kindly to defer the debate on this Paper until a later time. I happened to attend a meeting of my constituency to which all the Provincial Members, excluding the European Unofficial Members, were invited. We went there for the purpose of co-ordinating, according to the circular sent to us, the views of the Unofficial Members on these Political and Constitutional Reforms in Nigeria. I do not think I am telling tales out of school when I say that it was decided that Your Excellency should kindly defer the debate. I came here with the intention of joining hands with the Honourable Members who desire that the debate should be deferred till later time, although contrary to my own wishes.

Now, Your Excellency, I am very grateful to the Honourable the Commercial Member for Lagos for giving advice to the people

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of Nigeria, though not on the sphere of his labour in commerce. When I was at the meeting mentioned, I told them that it would not be fair that we should anticipate that the Government would agree that the discussion on this Sessional Paper should be deferred to a later date, because we have the Development Scheme which is to work hand in hand with the present Constitutional and Political Reforms, and if this has to be shelved for another time, it would mean that the Development Scheme should similarly be shelved. I had not at the time the idea that when the war is over, and as the Honourable the Commercial Member for Lagos puts it, there may possibly be certain changes in Government in England. It will therefore be seen that the result will be that this Paper, if deferred according to our wishes, might again be deferred for another two or three years. I think it will be a great catastrophe if such a scheme as this is to be delayed any longer.

I am very pleased that almost the whole House on the Unofficial side support the Sessional Paper and I am rising to support it whole-heartedly. I have read the Paper and I have done so critically. I have also done so with a view to finding fault, but I am sorry that if I succeed at all it will be only on minor details.

I am very pleased that the system of decentralisation in the Government Service is quite complete in this Sessional Paper. The Civil Service will enjoy some degree of confidence, and particularly, the Regional Councils will provide, as it were, deputies of the Heads of Departments in all Provinces and the Chief Commissioners will be a sort of Area Chief Commissioners responsible in a higher degree for their respective Provinces. Hitherto, many things have to be done in their Provinces of which they, perhaps, have little or no knowledge. Now everything will be decentralised in such a way that will relieve congestion in the offices of the Chief Secretary and other Heads of Departments.

Your Excellency, I think I will be in order if I call attention to one anomaly in the grouping of Provinces. The anomaly refers to Ilorin Province. Ilorin Province forms part and parcel of the Northern Provinces. Ilorin Province is a Yoruba Province and not a Hausa Province and should be included in the Western Provinces. The mistake occurred in the former amalgamation and that mistake I think if corrected now will do a lot of good. In Ilorin Province the people of Ilorin do not speak Hausa or Nupe, but Yoruba and they are Yorubas. I think if Your Excellency will make enquiries about this and take this opportunity of rearranging or delineating the boundary of the Northern Provinces perhaps it will relieve the Chief Commissioner of the Northern Provinces of a great deal of work. The mother tongue of the Emir of Ilorin, now on the stool, is Yoruba, and all the people there speak Yoruba, at least most of them. So I respectfully suggest that it will be doing Ilorin people a lot of good to regrade them in the Western Provinces to which they naturally belong.

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I have not much to say about the House of Chiefs. I am quite in agreement with Your Excellency's view as to the creating of the House of Chiefs in the Hausa Province. As Your Excellency rightly said, these people, the Hausas, owe allegiance to their head chiefs, and wherever you find a chief you have thousands of people around him. He is not a nominal head, he is a real head to them. I think they owe this to their Eastern culture, and also to their religion. I think by giving them a House of Chiefs Your Excellency is only doing what is expedient in the circumstances.

As I have said, I have only minor objections to make. But I am between the devil and the deep blue sea on the question of Provincial members. Now in the House of Assembly you have official members who are real officials and you have provincial members to be selected by Native Authorities from their own members. I remember some time in the course of this Session a question was asked and it was clearly stated that Native Authorities formed part and parcel or an integral part of the Government machinery. Now my view is that if they form part of the Government machinery they must be regarded as officials. It may however be argued that before the Government made them native authority they were chiefs appointed by their own people and therefore they represent the people. And I will answer by saying that the Central Government had clothed them with Government authority and they become the officers of the Government. They are bound to be affected by the position they hold in the Government. They are bound to a great extent to obey the Government they represent. They do not represent the people when they act as Native Authorities. As Chiefs they did but as Native Authorities they do not represent the people.

Well if I criticise anything I always like to bring something like a better alternative. I have been looking for it Your Excellency, and up till now I shall say I am still thinking. If I say anything here, provided Your Excellency is not going to bind me by my words I will say it, otherwise I won't, because I am not confident that I am supplying a better alternative. Before doing so I would like to illustrate my point by giving an analogy. It is just like telling the Lagos people that as their affairs are administered by the Municipal Council, the Municipal Council might as well send three of their members to represent them in the Legislative Council of Nigeria. I think Lagos would say no, that Council, although ours, they do not and cannot represent the views of the whole people of Lagos in the Council. Moreover, the Native Authorities and members of the Native Council are generally chosen from and invariably represent the views of the upper class and not the common people. So I suggest that the Native Authority should be placed in the same position as the Municipal Council here in Lagos and should be asked to extend the franchise to all the people in their Province and not to confine their selection to their own members. If the people do elect any

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member of the Native Council or Native Authority, then I think that would be the people's choice. But how can that be done? I put the question to myself, and I think the only way of doing it is by election. But have they got the idea of election, do they comprehend all the implications? I say no. Well what is the solution? I think it would be in the best interest of the people concerned that Unofficial Members of the House of Assembly should be elected or nominated, giving all the people a chance of making representations, and voice in the appointment of their representatives. It is so easy to criticise, but it is too difficult to make. So I am putting this before Your Excellency for your consideration. I have tried to give Your Excellency what I think about it, what my idea of it is. I am opposed to the principle that the members of local Native Council and the Native Authority. are Unofficial. I have to submit that that is not correct, Sir. Perhaps Your Excellency would be able to find some solution whereby the people will be represented in the real sense of the term.

I come now to Lagos. Lagos is a cosmopolitan town. Lagos does not belong to the people born in Lagos or the aborigines of Lagos. Lagos belongs to all people in Nigeria. Provincial Members have been clamouring over and over that the Capital of Nigeria should be shifted from Lagos, little thinking that those who made up the population of Lagos are not only natives of Lagos, but people from the Provinces and from the neighbouring West African Colonies. The other day one Honourable Member complained and was asking Your Excellency to devise means whereby the natives of Abeokuta would remain at Abeokuta and not to come down to Lagos. Well we don't want them; if they come they come for their own interest. On account of the econmic situation of Lagos, land being available in Lagos, almost all the chiefs in the Provinces, from the West, East and North, have houses here, and still they are clamouring to shift the Capital of Nigeria from Lagos. Well, Sir, we do not grudge them coming down to Lagos, but they should be careful of the statement they make before this Council. Since the grant of franchise to Lagos, I think it is only some few years ago that natives of Lagos began to represent Lagos. All the time they were being represented by people from the Provinces and Sister Colonies in West Africa. So they should understand this, that Lagos does not belong to Lagos people alone, it is a cosmopolitan town and is being treated as such. A large number of the electorate of Lagos are people from the Provinces, and still a larger number of the electorate who can make intelligent use of the franchise is composed of clerks in the Government service and mercantile houses, and they are not all natives of Lagos. Your Excellency said that it appeared that the people are not attaching importance to the system of election granted to them. Well, I think many factors are responsible for One is that there is no bye-election in Lagos. As the that.

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Ordinance stands at present there could be no bye-election. Any election is an election for five years. If a person is elected for five years, and in the course of his serving his term he died two years after, another election must take place, and that for five years. That is the condition under which we work. So that no three members could be returned at the same time. There is a general election every time, no bye-election. This accounts in a large measure for the general lull and lack of enthusiasm in the election in the Lagos Municipal Area.

It is true that there are some people who have the necessary property qualifications but neglect to register in order to evade taxation, and it is equally true that there is a class of people who are educated and understand the propriety of the system of election by ballot but devoid of property qualifications. We also have among us men who would not exercise their right of voting on account of their aversion to the Legislative Council of Nigeria as at present constituted. It is not quite correct to assume that in view of the poor number who turn out to vote at an election the people of Lagos do not appreciate the system. On the contrary the mere fact that the people demand constitutional reforms and the extension of the franchise amply demonstrate their appreciation of the system.

Well, Your Excellency, it was not disclosed what kind of municipality is going to be given to Lagos, but Your Excellency has indicated that it would become a municipality with extensive powers, and reading between the lines I think that the Commissioner of the Colony will have nothing to do with Lagos municipal area. It is however definitely stated that the rural area of the Colony will remain directly under Legislative Council and be administered by the Commissioner of the Colony, three District Officers and Native Authorities. I have a copy of the memorandum which Oba Falolu and his chiefs submitted, I think, to the Commissioner of the Colony which tries to show their relationship with the rural area of the Colony. In some cases those chiefs in the rural area owe allegiance to the chiefs of Lagos. Sometimes when electing a chief in the rural area the chief of Lagos must be consulted and his consent first obtained, and in some cases you will see that the land owned by a chief of Lagos extends into the rural area of the Colony. I have seen cases in which a Lagos chief was asked to go to Badagry and pay his taxes or to Ikeja to pay his taxes. So if Lagos proper is divorced from the rural area of the Colony I think it would be doing violence to the traditional connection which exists between the Lagos chiefs and the chiefs in the rural area. I am much in favour of the grant of municipality to Lagos with extensive powers, though I am not aware of what form that municipality will take. But whatever municipality is granted to Lagos I respectfully ask that Lagos proper, *i.e.*, urban and suburban areas, should not be divorced from the rural area of the Colony, and they should still remain under the Commissioner of the Colony.

A suggestion has been made about paragraph 5, where Your Excellency states :---

"I do not propose that there should be any change in the "constitution of the Executive Council, the functions of "which are purely advisory, and which has recently been, "enlarged by the addition of three unofficial members."

Well, Sir, some people came to me to express opinion on this matter. The opinion expressed, to my mind is constitutionally wrong and is impracticable, but when I was coming this afternoon some other people approached me and put the same matter before me. For the purpose of being fair to them-I do not approve of it myself-what they do say is, it would have been nice if the number of the Unofficial Members on the Executive Council is increased and that the Legislative Council should be given a say in the matter to appoint by resolution or otherwise, two members. in addition to the present two. I said to them, it is constitutionally wrong. If the Legislative Council should have such a power, anything initiated in the Executive Council will be binding and if that is accepted, there appears no need for a Legislative Council. I only said this, because it shows the mind-the thinking mind of some people. I leave it to Your Excellency to deal with it for all it is worth.

Your Excellency has adopted in paragraph 26 a very wise course welcome by everybody, and that is to review the Constitution after certain periods. I beg to suggest that two years after the coming into operation of the new Constitution opinions of members of the newly reformed Council should be invited for any improvement that may be considered advisable. If suggestions are accepted for the improvement it might take about a year to make the necessary alterations.

Your Excellency, I think I am done. I have to thank Your Excellency and all your able lieutenants in producing this Constitutional Reform.

The Third Lagos Member (The Hon. E. A. Akerele):

Your Excellency: During the Debate in March, 1944, I am perhaps one of the few who ever made an attempt to rise to ask Government for a Constitutional Reform, and I think that on that day I asked that the constitution of this august body should be reviewed and that we wanted Unofficial majority. In December, 1944, Your Excellency sent in this Despatch, called Sessional Paper No. 4 of 1945, to the Secretary of State. I am happy to note that on page 2 of the Despatch Your Excellency said that—

"At present Officials are in the majority on the Legislative "Council, but I feel that the time has come to create "Unofficial majorities."

In forwarding that statement Your Excellency said that you would give us an Unofficial majority of nine. Reading through the Despatch one would have said that this is one of the things we are asking for; and that we now have an Unofficial majority on the Legislative Council of Nigeria.

The last speaker, the Honourable the First Lagos Member, in rising today told us that he agreed entirely with the despatch but that he had only minor suggestions to make, and he began by telling Your Excellency what were his minor suggestions. I must say at once that I disagree with him that the question of the Unofficial majority as laid down in this Sessional Paper No. 4 of 1945, is a minor point. I think, Sir, that the fact that four Emirs and two Chiefs from the Western Provinces are to be included among the Unofficial Members, makes it more important when we think of having a large Unofficial majority.

A few weeks before the sitting of this Council I heard a rumour about what the new Constitution is going to be. I must confess, Your Excellency, that I had been compelled to ask, including in my question in particular, that I wanted to know really what the position of the Native Administrations is to the Central Government, bearing in mind that they are coming to sit with us as Unofficial Members, and yet still we say we are in the majority. In question No. 41—that is the question which the Honourable Members have been talking about—I asked the following:—

"Will Government please make a public pronouncement "of the relationship of Native Administrations to the Central "Government of Nigeria?".

to which the Honourable the Chief Secretary to the Government replied as follows:---

"Native Authorities are indigenous institutions which "the Government has recognised and to which it has assigned "definite powers and allotted definite duties, the principal of "which are set out in the Native Authority and Direct "Taxation Ordinances. They are an integral part of the "machinery of Government, a machinery which has been "designed with the very definite aim of educating the people "of the country politically and administratively, in order "that they may gradually take a larger and larger part in the

"management of their own affairs."

I must confess, Sir, that when I got the answer I at once made up my mind to oppose the Constitution before the Council in which four Emirs and two Chiefs will sit as Unofficial Members. I cannot see any argument that could be adduced by anybody that can convince me that the four Emirs and two Chiefs are not Official Members.

During the debate this morning the Honourable the Member for the Colony Division, although supporting the whole Constitution, inadvertently said that the Annual Conference should not be

held at various places but should remain at Lagos after one tour, and that the Conference of Yoruba Chiefs now takes place at Ibadan. He said that the Chiefs were afraid of the Government and that was why they have agreed to continue to sit annually at Ibadan. I think he was serious and was speaking as one experienced in Native Custom-he is, in fact, a Native Authority himself. He has told us exactly what the relation of the Chiefs is to the Government. They are afraid. They are people who are led by the nose; they are afraid even to tell you "I cannot come to Ibadan ", not to displease the Government, but they can displease themselves and go there. These are the people who are coming to sit on the Unofficial side. The Emirs who are known by reputation to say "Saki ", the Chiefs who are known by reputation to say " Saki " are to come here to sit with us. People who cannot express their minds in their own affairs and in their different Councils are expected to come here. How can they vote against what they have made themselves? They will only come to the Legislative Council and give support to it. Or, if they come to sit on the Unofficial side, how can they oppose any Government scheme, the Resident or the Chief Commissioner as the case may be? I say, Your Excellency, that that part of the Sessional Paper should be erased, so that the four Emirs and the two Chiefs be transferred to the Official side and that Your Excellency give us five other members in their places, so that we may have an Unofficial majority-I say five more in the Provinces and six by election and that gives us twenty-nine-so as to get our Unofficial majority. I am not going to be satisfied with this present proposal or support it: I oppose it. I do not call it a minor point at all: it is an important point.

Now, Sir, I have nothing to quarrel with the Constitution as it is, barring this particular one, and I must say at once that I support this Sessional Paper No. 4 of 1945 with the amendments as proposed that the Chiefs are taken out of the Unofficial side and placed on the opposite side, and that we have our own Unofficial majority. As time goes on, paragraph 26 will guide us when they come and sit on the opposite side and we shall be able to put our heads together and discuss details. So far as the Lagos Members are concerned, we are still having our meeting about it; I think we shall be able to announce further improvements.

I must thank Your Excellency for making this Sessional Paper. It is a well got up and well written paper. I am sure I am going to keep mine until it is adopted with the amendments as pointed out. I thank you very much. I thank also the Chief Commissioners who are responsible, along with yourself, for giving us this Sessional Paper No. 4 of 1945.

The Banking Member (The Hon. K. M. Oliver, M.C.):

Your Excellency, I had prepared a speech on this Sessional Paper but the majority of the points I had raised have already

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been touched on by other Members, and therefore I am not going to burden you with duplication.

I welcome the proposed constitution as it is undoubtedly a big step forward as far as Nigeria is concerned. It is obvious to us all that you and your advisers must have spent a very considerable amount of time and trouble in the preparation of it and the object is undoubtedly to knit Nigeria together as a whole.

Regional Committees are undoubtedly a step in that direction and I feel sure are of an educational nature as well. The Legislative Council in its new sitting will be much more representative of Nigeria as a whole and the fact that it will legislate for Nigeria as a whole is another big step forward.

I give the proposals my hearty support and I shall watch its working and results with considerable interest.

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

*Your Excellency, when I arrived here this Sessional Paper was laid on the table. It was quite unexpected—I never expected it, but after going through it I had no objection. I agree with all the points as set out in this Paper. One thing that I should like to say about it is that we have got three classes of people, according to what the Honourable Members have mentioned here. We have the natural rulers of the country: we have the illiterate subjects and we have the educated class—three classes of people. Whether the desire for a constitution came from the rulers, 1 cannot at all say; whether the demand came from the illiterate class I cannot tell and whether this demand came from the educated class I cannot say. But here we are, we have a Sessional Paper on the proposed Political and Constitutional future of Nigeria, which has been laid before us by Your Excellency. I feel that this Paper has been well considered.

I will go back to history. My great-grandfather was King Williams of the Cameroons. He had the power to sentence a man to death and nobody would question him not to do it. Now that power is lost and finished. During his days in the Cameroons, or even the Victoria Division, there was no paramount and the various chiefs we are now having. As soon as we turn from one place to another we find a chief here, and a chief there; and we are now having two classes of chiefs.

Going right away to the Bamenda Division where I meet respectable chiefs—chiefs that I personally do respect—and when going further to the North of Nigeria, I find the Emirs. According to the history books I have read they are high class rulers. Had it been left to the Africans themselves to place the Emirs there they would not allow any ordinary man to come and tell them "I come and will sit down and discuss with you". One could not have come near our old King Williams' premises or his domain and told him "Where you are talking, why can't I as well talk." You could be killed for saying that. Today, time has taken us very, very far, and as time changes we have to change with the time.

I find that the proposals have made provision for the rulers, for the illiterate as well as for the educated classes. I am very much pleased to hear many of our learned friends and Honourable Members talking on behalf of the rulers. I won't like them to be deprived of their rights, and I am glad that we are under a Government which thinks of all classes of people and makes provision for all, especially where justice reigns.

Now, we have three special places mentioned in this memorandum where this Assembly should be held, for the Western Provinces at Ibadan, for the Northern Provinces at Kaduna, and for the Eastern, at Enugu. I welcome this idea very well, because I do wish that some of my people over there should have a chance of coming in contact with the people of Nigeria and see how they work, and to learn. It would be very educative for this people who are, as it were, heathen and who have no chance to see what is going. It will be one step to their advancement and development when they have the chance of attending such meetings to discuss such matters together with others who are highly developed, to listen to their talking and to see various changes, so that when they go back to their people and tell them how to do it, they would not say otherwise, we must as well try and do things better for ourselves.

I note that the number of members have been stated here, but I would like still to advocate that more members may be elected than nominated for the people.

I have to thank Your Excellency very, very much. I can remember in your first speech you told us that a child becomes a child within nine months. You have taken a year to go through the Protectorate and you have met various types of people; you have collected a lot of experience and you have worked out this very valuable Paper which is now before us. I know that we people used to be asking for one thing or other. It is just like when children ask their fathers or mothers for certain things and their mothers give them, just when it is expected that the children are satisfied, they shout and cause any amount of trouble with their brothers and sisters. It may well be that things may not go so easily among ourselves. One would say-" You should not have agreed with this Paper " others would say--- " I was thinking before about it." It must cause some misunderstanding among ourselves, but in the long run I am quite sure we shall find it very beneficial towards the development of the constitution of this country.

I know that when I go back to Victoria and when I shall have to meet my friends and others they will say, "from the papers that we read we know that many others are having various views about this Paper; you simply said that you agree with the Paper; why don't you think about this or about that." No one would

expect the laying of the foundation to be the full building. We have been given time that within three years one will see how far this Constitution will work. Coming to about six years it will still give us more chance to see the good of it. We have had the chance which we never had before this time and it is the beginning of something good—something better is coming. Let us take patience and see what is the result of that.

I have to thank Your Excellency as well as our Chief Commissioners, and those of us who are over there I think we shall co-operate with our Residents. We shall be able to submit some ideas of what our representation should be and if it should be acceptable I am quite sure it will be quite easy for us to join in this great Assembly which is the beginning of a Constitution which is now building up Nigeria and helping her to become one house.

I wish that God who has given you wisdom and understanding to start such a thing for this country will spare your life and will allow you to see the developments and the benefits which will accrue from it, and those who will live to see will always keep you in memory. With these few remarks I thank Your Excellency.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.): Your Excellency, I rise to support the Resolution before the House. Fortunately for myself there remains little to be said, as anything I would have said has been spoken already, so I have no intention of keeping Honourable Members immobilised unnecessarily by listening to repetition.

There are two features of the new constitution which have impressed me. One is the simplicity with which you have laid it out in your despatch, Sir, and the second is that no Honourable Member has been able to point out a single item that has been considered vicious in any way. Personally I object to the objection of the Third Lagos Member about the Emirs in the North. I would suggest the Honourable gentleman does not know the Emirs of the North. They are splendid sagacious men, and not yes-men, and there is every reason that they should sit on this. Council on the unofficial side.

Your Excellency, as regards the new constitution, no one can have the slightest doubt that it has received most mature consideration from yourself, and as you say yourself you steeped yourself in the writings of Lord Lugard, you have studied the memoranda of your predecessor Sir Bernard Bourdillon. Well if we cannot rely on that team to produce a good constitution I do not know where we can go for it. That is what I call a body of experts, and experts who have seen this country as a whole picture in the same way as Honourable Unofficial Members see their constituencies as a picture.

Well, it has been suggested by one or two Honourable Members that this new constitution should be referred to their constituents. but I really feel it is more likely that, having referred the matter to their constituents, it would more likely lead to confusion of thought rather than consolidation.

I think this despatch containing the new constitution was one of the matters that appealed to me most as requiring treatment, which we are reminded of in the Prayers which are said here in the morning, that people should set aside their personal interests and prejudices, because this new constitution affects the whole of Nigeria, and not just the part where Honourable Members come from and that whatever advice and recommendations they brought back from their constituencies they are only representing a part of Nigeria. There still remains the whole of the North. Supposing there are snags found, square bolts trying to be put into round holes; all these matters can be adjusted. And Honourable Members will have one consolation, that surely any new constitution must be better than the present one.

Your Excellency, to my mind we have started on an era of progress for Nigeria, and I think this Session can be called a progressive session. It is not at this stage for us to falter, and I for one am exceedingly glad to see that the rulers of the Northern Provinces are going to be represented. I know the North, and I know many of the Emirs and as I have said they are splendid and sagacious men.

I support the Resolution Sir.

His Honour the Chief Commissioner, Eastern Provinces:

In speaking on the new constitution, Sir, I propose to confine myself almost entirely to its effect on the Eastern Provinces and to its probable operation.

The Eastern Provinces present a different picture from either the West or the North and, as you, Sir, have written in the despatch which is reproduced in Sessional Paper No. 4 of 1945—" the absence of any traditional political organisation has made it possible to build up Native Authorities on democratic lines in the form of Councils on which all the individual family units within the larger tribal units have equal representation."

This formation of Councils has led to a multiplicity of Native Authorities which are in consonance with the individualistic tendencies of the people and, to quote again from the Sessional Paper—" the craving to paddle their own canoes."

The question, therefore, arises as to how the people of the numerous Native Authority areas can secure adequate representation through nine members of the House of Assembly who are to be selected by Native Authorities from their own numbers.

To answer this question is not without difficulty, but attention to two points may point to the solution:—

(1) that the existing Councils are very largely representative of larger units;

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(2) that indirect rule cannot be static.

As to the first point, consciousness of being a part of larger units is by no means lacking. What Ibo or Efik or Ibibio does not proclaim his tribal origin with pride and even membership of the somewhat artificial administrative divisions often has some significance.

As to the second point, it is very true that indirect rule is not by any means static in the Eastern Provinces. Regrouping is not infrequent, acceptance of different and better forms of representation, the finding of places for the more progressive and better educated men and the willingness to accept greater responsibility are constantly occurring.

Perhaps a concrete example would explain the position. In Bende Division we were faced with some 13 separate units all of which, as recently as 1936, were looking for administrative independence. By about 1938 seven such units had been constituted separate Native Authority areas, each with its own Treasury and the remainder were to receive similar treatment. But even in this short time, the people themselves had decided that such small units were inadvisable and by 1942 they had grouped themselves into four federations. Now in 1944 they formed spontaneously a divisional Council based on the federated Councils and were prepared to accept this one Council as Native Authority. It is also noteworthy that on this Council were found places for more progressive and better educated men drawn from the Bende Divisional Union.

Other examples are not lacking and the tendency to form larger units can be seen in the Orlu District, the Owerri Division, the Ahoada Division, the Abak Division, the Uyo Division and others.

Now, Sir, in the Eastern Provinces, we have never had any conference such as the Chiefs' Conferences of the North and the West and it may prove that the present lack of unity will hinder the selection of Native Authority members from their own numbers. Patience and guidance will be necessary in the early years, but I feel sure that the difficulties will be overcome through the sense and co-operation of the people.

Thereafter the example of the constitution of Nigeria will be a spur towards more ordered indirect rule and towards the formation of more responsible Native Authorities, while at the same time it will be a deterrent from the clamour for recognition of irresponsible small units.

I welcome, Sir, the statement at paragraph seven of the Sessional Paper that "this progressive modernisation of the Native Authorities is an essential part of the policy which I have put forward". The path of Native Administration in the Eastern Provinces has not been an easy one. And this, Sir, is not unnatural Paucity of indigenous organisation which was capable of adaptation to modern requirements, the individualistic character of the people and their natural suspicious nature, all sounded a warning against precipitate action. Gradual evolution was the watchword and even this created difficulties among the impatient progressive elements who would have liked to push ahead with ill-conceived ideas of administration, regardless of tradition and sound foundations. But, in spite of the enforced slowness, progress has been made.

If we think back, Sir, it will be realised that it is under 40 years since any form of ordered administration came to a considerable part of the Eastern Provinces and yet already it is possible to invite the people through their representatives to take part in the administration of Nigeria as a whole. Surely, Sir, this must disarm criticism that progress is too slow and surely it is a commendation of the proposals for the future constitution of Nigeria that they provide for the participation of all.

The demand for representation has been growing for some years past even in some of the more backward regions. The demand has now been met, though it may be a disappointment to some that numbers are not far greater.

But this is a lesson which the people of the Eastern Provinces must learn if their political progress is to be assured; each man cannot, as many would desire, be his own representative, nor, if he is chosen as a representative of many, can he represent his own views alone regardless of those he represents.

These desires are, perhaps, weakening and willingness to select the most suitable man for the job is increasing, yet greater subordination of individualistic tendencies for the good of the country is necessary if political progress is to be assured. I feel, Sir, that your proposals point the way to the true realisation of the principles of representation and I have no doubt that they will teach their lesson and be acceptable to the people.

It is interesting to note, Sir, that when visiting Native Authorities in the Eastern Provinces in recent years one has often been faced with one or other or all of the following requests:—

- (a) increased representation in the Legislative Council;
- (b) Conferences similar to the Chiefs' conferences of the North and West;
- (c) increased amenities for the people which it is alleged have been too freely given in other parts of the country.

Your proposals, Sir, do in large measure grant each of these requests. There will be fuller representation on the Legislative Council, the House of Assembly will provide for the expression of authoritative opinion locally and the framing of a budget by the House of Assembly for the Eastern Provinces within the scope of available resources should disarm criticism of differentiation.

I have heard it mentioned, Sir, that a place like Port Harcourt will have no representation as, in practice, it falls within no Native Authority area. This, Sir, seems to be a case for

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nomination and, doubtless, when the time comes representations will be made to you, Sir, for your decision.

In conclusion, Sir, I should like to state that I welcome wholeheartedly the proposals for the future constitution of Nigeria and to express my opinion that they will be welcomed by the people of the Eastern Provinces. They present a very considerable advance and will make real what, at present, is not understood by those far removed from Lagos. Difficulties will doubtless arise, but, with a spirit of good-will and co-operation from all, which I feel sure will be forthcoming in good measure, they will be overcome and we can face the future with confidence.

His Honour the Chief Commissioner, Northern Provinces:

Sir, this interesting Debate has impressed upon me how much I am the outsider who comes to speak at this Council on sufferance, speaking almost, I feel, from the threshold of this Council. But one has been allowed to feel that these proposals have given one a view of the inside of another Council, and one has been allowed to draw aside the curtain and take a look through the chink at a Council in which the Northern Provinces, the Chief Commissioner and others, will be present by right and not on sufferance.

You, Sir, are no novice at the operation of providing a new Constitution for the Colony under your Governorship. But when some of us were called, many months ago, to think concretely of providing a new Constitution for Nigeria perhaps there were some, like myself, who had to begin to think of first principles. It meant an entirely new line of thought to me. There were perhaps some who had to think, as I did, on what a Constitution should be based, and for myself I came to regard three factors as the principal ones in framing a new Constitution for a country like Nigeria—

- (1) the ethical basis of the lives of the people whom the Constitution was designed to serve;
- (2) their economic background; and
- (3) their educational standard.

By education, Sir, I mean political as well as other education.

To these three things with which the people live everyday, it seemed to me that a Constitution if it were to fit the place for which it was designed should have the closest regard. When I was privileged, Sir, to see your proposals for the first time, they had more regard to these things than I had thought would be possible, remembering that the first object of your proposals was the preservation of the unity of Nigeria, and remembering too the diversity of standards in those three things which I have mentioned one finds throughout this great country. It has been humorously stated that an economist progresses from fabricated data to foregone conclusions. It would have been easy I think to adopt the technique of the economist in making a Constitution for Nigeria. to-day the people were asked whom they wanted to represent them on Legislative Council or elsewhere I cannot think of one place in which the answer would not be the Emir.

I remember, Sir, vividly an occasion in 1925 when a very old Emir was to take a journey out of his Province from which he had been in the early days of our administration in exile. He was to take this journey to go to Kano to attend the Durbar given in honour of the visit of the Prince of Wales but the rumour got abroad that the Emir was leaving the Province and leaving the Province in a direction in which he had never left it before. It was usual for the Emir of that Province to go east. It was a very rare thing for him to go west. The result of the rumour was that when the day came for him to leave his Province the town was so full of people who had walked in some cases scores of miles to see him and receive his blessing before he went that we couldn't get him away.

Again, Sir, I remember travelling with an Emir in the train at the beginning of this war. I remember so vividly people coming up to the stations and asking the Emir if it was "all right". We had had officers, administrative officers, doing a great deal of propaganda, but it was the Emir from whom they wanted to hear about things. Well, Sir, if these two instances do not show that an Emir is the representative of his people I cannot think what else they do indicate.

We have talked to administrative officers in the Northern Provinces in general terms for a long time about the reform of the constitution of Nigeria, talked to Emirs and others. I have had opportunities since I arrived from leave a short while ago to receive the views of only two on the actual proposals now before this Council, and to one Emir, whose opinions I value a great deal, I said "Now be perfectly frank and say what you think ". He left me in no doubt, Sir, that if he disapproves of the proposals he would not hesitate to tell me.

Now, Sir, Emirs who come to this Council will perhaps be lacking in experience but if my service with them has taught me anything I do not think they will be found wanting in the courage to express their convictions. They will not be "Yes men". I am sure, Sir, that they will have a true appreciation of what is at stake in these proposals. We will find in Nigeria an adequate number of men who have its welfare sufficiently at heart and who will keep the object of these proposals constantly in mind to build solidly on the plan set out in the proposals.

I therefore count it a privilege, Sir, to support the resolution proposed by the Honourable the Acting Chief Secretary.

The Hon. the Acting Chief Secretary to the Government:

Your Excellency, there is very little left for me to say but I should like to thank Honourable Members for their speeches and for their criticisms and the points which they have raised. Many

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of these relate to matters of detail and it is not my purpose to deal with these now. All these have been recorded and they will be available for consideration later on.

There are one or two specific things left on which I would like to say a word or two. The Honourable the Second Lagos Member drew attention to a passage near the beginning of the third paragraph of the Sessional Paper which reads: "To secure greater participation by Africans in the discussion of their own affairs." I can assure him on Your Excellency's authority that the word "management" was so firmly fixed in your mind at the time that you omitted to set it down in the passage, which should of course read "discussion and management of their own affairs".

The Honourable Commercial Member for Lagos noted that there was no statement in the Sessional Paper of the cost of these constitutional proposals. I have had some conversation with my honourable friend the Financial Secretary and I am afraid I gave him a certain amount of unnecessary trouble but it is quite impossible to obtain reliable figures at the moment and it would not be becoming in me to mislead the Honourable Members by quoting figures which would certainly be very wide of the mark. All I can say is that the cost I am sure will not be disproportionate to the advantages that will accrue from these proposals and will not contribute materially to our insolvency.

One or two Honourable Members enquired why we have a House of Chiefs in the North and why there was no House of Chiefs in the Western and Eastern Provinces. Well for one thing, in the Western Provinces there are far fewer Chiefs of the highest standing and importance than in the Northern Provinces and far fewer still, if indeed any, in the Eastern Provinces; secondly with apologies to my honourable friend the Chief Commissioner of the Northern Provinces, we are politically further advanced in the Western Provinces. As Honourable Members are aware according to their own native custom the Yoruba constitution has a very strong democratic bias. The Obas and their Chiefs were bound to consult responsible public opinion before taking action on any matter of importance. It was in fact on this foundation of native custom that we have been building when, as I described this morning, we have broadened the basis of our Native Authority Councils and endeavoured to make them as representative as possible. Thus a House of Chiefs in the Western Provinces is not only unnecessary but to my mind undesirable. It would in fact be a retrograde step. Actually I have discussed this point with the four principal Native Authorities whom I mentioned this morning and they agree with that view.

The Honourable the First Lagos Member raised the question of representation through the Native Authorities. I spent a good deal of time this morning endeavouring to explain why the Native Authorities form the main and most important channel of representation in the new constitutional proposals. It is

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undesirable that I should cover the ground again and I would ask the Honourable Member to be good enough to peruse the pertinent passage in my speech when it is available. It may help to solve his difficulties.

The Honourable the Third Lagos Member raised the question of representation of Emirs and Chiefs on Legislative Council. My honourable friend, the Chief Commissioner of the Northern Provinces, has dealt with the position of the Emirs. Much of. what he said applies to the Chiefs of the Western Provinces. As I said this morning they are emphatically not "Yes men". I would add to what the Chief Commissioner, Northern Provinces has said two points which in my mind are of considerable importance. We in these proposals are endeavouring to broaden the basis of the institution and give representation to as many sections of the people as possible. It would be rather difficult to deny representation to a class of people who have shown themselves so responsible and public spirited, and who have done such excellent work for the country, as the Emirs and Chiefs. Also I do not think it would be very wise for this Council to deprive itself of the benefit of the knowledge and experience which such men are better fitted than any to contribute to our counsels.

Sir, I may be getting sentimental in my old age but this strikes me as a most momentous occasion and I would like to say that I count it a very great honour that it has fallen to my lot to move this resolution which marks a very great step forward in Nigeria's path of political progress.

Sir, I beg to move the resolution standing in my name.

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Resolution adopted unanimously.

The Council adjourned at 4.50 p.m. until 10 a.m. on Saturday the 24th of March.

Debates in the Legislative Council of Nigeria

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Saturday, 24th March, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Saturday, the 24th of March, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G.

- The Acting Chief Secretary to the Government, The Honourable Sir Gerald C. Whiteley, C.M.G.
- The Chief Commissioner, Northern Provinces, His Honour Sir John R. Patterson, K.B.E., C.M.G.
- The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.
- The Acting Chief Commissioner, Western Provinces, His Honour T. Hoskyns-Abrahall, C.M.G.
- The Attorney-General, The Honourable H. C. F. Cox, K.C.
- The Financial Secretary, The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Director of Education, The Honourable R. A. McL. Davidson.
- The Director of Marine, Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.
- The Acting Deputy Chief Secretary to the Government, The Honourable G. F. T. Colby.

The Senior Resident, Kano Province, Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N.

- The Senior Resident, Bornu Province, Captain the Honourable E. W. Thompstone, M.C.
- The General Manager, Nigerian Railway, The Honourable A. J. F. Bunning.

The Director of Public Works, The Honourable H. E. Walker, C.B.E.

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- The Acting Director of Agriculture, The Honourable A. G. Beattie.
- The Honourable F. E. V. Smith, C.M.G., Development Secretary (Extraordinary Member).
- The Honourable G. L. Howe, Solicitor-General (Extraordinary Member).
- The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).
- The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member).
- The Honourable B. E. Frayling, O.B.E., Chief Inspector of Mines (Extraordinary Member).

The Honourable R. J. Hook, D.F.C., Commissioner of the Colony (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar, The Rev. and Honourable O. Effong.

The Member for the Ijebu Division, Dr the Honourable N. T. Olusoga.

The Mining Member,

Lt.-Colonel the Honourable H. H. W. Boyes, M.C.

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The First Lagos Member,

Alhaji the Honourable Jibril Martin.

The Commercial Member for Lagos, The Honourable J. F. Winter.

The Second Lagos Member, The Honourable Ernest Ikoli.

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

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Member for the Ondo Division, The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division, The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

The Third Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division, The Honourable E. N. Egbuna.

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The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

ABSENT

OFFICIAL MEMBERS

The Comptroller of Customs and Excise, The Honourable J. McLagan, O.B.E.

The Senior Resident, Plateau Province, The Honourable J. J. Emberton, C.M.G., M.C.

The Senior Resident, Zaria Province, The Honourable F. M. Noad.

The Senior Resident, Calabar Province, Major the Honourable H. P. James.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province, Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

The Honourable W. B. Dare,

Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt, The Honourable Fred Edmondson.

The Member for Shipping, The Honourable G. H. Avezathe, C.M.G.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 22nd of March, 1945, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

PETITION

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

Your Excellency, I have with me here a petition from the Produce Traders Association, representing the Produce Buyers and Dealers in Lagos, Abeokuta, Ibadan, Ijebu Ode, Ilesha, in the Western Provinces, but before placing the petition on the table, Your Excellency, I wish to make a few remarks.

The people described as Produce Traders and Buyers are also commonly known as Middlemen. They stand between the

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Producers and the Shippers or Shipping Houses. They were often regarded as unnecessary in the trade of the country, and the European traders thought it was better for their business to get direct contact with the Producers. This, however, they have found not satisfactory, and the European Trading Houses have come to the conclusion that these Produce Traders and Buyers are performing a very necessary function in the trade of the country, and that now that Co-operative Societies are new and not yet taken a solid root in the country, this class of people are a necessity.

Now, before the war they were free to buy from the producer and sell to the shipper, and they made a comfortable living. Since the war Control has come into operation and they are placed at a very serious disadvantage in regard to the produce trade.

I was surprised on my visit to Ibadan quite recently to see people who, five or six years ago were in quite comfortable circumstances, reduced to absolute poverty; they are earning nothing of a kind that could be termed a comfortable living.

They have made several approaches to the Government but without any redress. Last year, they wrote a petition to the Government, and I myself wrote to a latter, suggesting that the time has arrived when there should be a sort of a round table talk between the Produce Traders and European Shippers and officials of the Government. I got a reply from Government to say that the matter was receiving consideration, and that was nearly four months ago. I do not know what has happened since. The position to-day has been reached when the Produce Traders consider that they must lay their petition before this House and ask that Your Excellency and the House should urge that Your Excellency should appoint a committee to investigate into the affairs—into the position of these Traders—with a view to adjustment in a manner that will be satisfactory to all parties.

I have discussed this matter with a number of the leading European traders; I know one of them who holds a very important position in one of the Commercial Houses—who is quite sympathetic to their claims. He told me that the complaints of these people were quite genuine and that their grievances are well founded. He told me that he himself had suggested to Government that the differentials were too small. Government it is understood had agreed to increase the differential in the Northern Provinces in the case of groundnuts, they should do the same in the case of palm products and cocoa.

I have not much more to say, Sir, except to lay the petition before the House and to ask that the grievances of these people be gone into.

Petition handed in.

The Hon. the Acting Chief Secretary to the Government :

Your Excellency, a petition on this subject was received some

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months ago and a reply was sent, I think it was in December, to the effect that the matter was receiving investigation.

It is a very complicated and involved matter, and the examination of it must necessarily take some time. It cannot be settled in a few weeks or even months, because it involves a re-organisation of the whole system of produce buying in the Lagos area.

I can assure the Honourable Member that action is being taken without any avoidable delay, and if he will, at his convenience, call at my office one day next week, I will explain to him the implications and the ramifications involved in the matter.

PAPERS LAID

The Hon. E. A. Miller (Commissioner of Labour):

Your Excellency, I beg to lay on the table the Report of the Select Committee appointed to examine and report on the Bill entitled:

"An Ordinance to make provision for enabling Persons whether disabled or able-bodied to secure Employment at the conclusion of their services with the Armed Forces of the Crown and for purposes connected therewith."

The committee has considered the Bill and unanimously recommends that it be proceeded with, subject to the amendments set out in the Schedule annexed to the Report.

Sir, I beg to move that the Report of the Select Committee be adopted.

The Hon. G. L. Howe, Solicitor-General :

I rise to second.

His Excellency:

The question is that the Report of the Select Committee be adopted.

Report adopted.

The Hon. the Director of Medical Services :

Your Excellency, I beg to lay on the table the Report of the Select Committee appointed to examine and report on the Bill entitled:

"An Ordinance for the Control, Regulation and Registration of Private Hospitals."

The committee has met and has recommended that the Bill be passed by this House, subject to the amendments which are set forth in the Schedule attached to the Report.

I beg, Sir, to move that the Report of the Select Committee be adopted.

The Hon. G. L. Howe, Solicitor-General :

I rise to second.

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His Excellency:

The question is that the Report of the Select Committee be adopted.

Report adopted.

The First Lagos Member (Alhaji the Hon. Jibril Martin):

Your Excellency, I beg to lay on the table the Report of the Select Committee appointed to examine and report on the Bill entitled:

"An Ordinance to regulate the Sale and Distribution of Drugs and Poisons and to provide for the Registration and Licensing of Chemists and Druggists and Dispensers."

The committee has examined the Bill and unanimously recommends that some amendments should be made and the Bill be passed.

I beg, Sir, to move that the Report of the Select Committee be adopted.

The Hon. G. L. Howe, Solicitor-General:

I rise to second.

His Excellency:

The question is that the Report of the Select Committee be adopted.

Report adopted.

The Hon. the Attorney-General:

Sir, I beg to lay on the table the Report of the Select Committee appointed to consider the following Bills:—

"An Ordinance to make provision for the Practice and Procedure in Magistrates' Courts in actions for the recovery of Debts and Demands and in actions for Damages and for other Causes within the Civil Jurisdiction of Magistrates' Courts."

"An Ordinance to make provision for the Recovery of Possession of Premises."

"An Ordinance to make provision for the procedure to be followed in Criminal Cases in the Supreme and Magistrates' Courts."

"An Ordinance to amend the Criminal Code."

"An Ordinance to amend the Children and Young Persons Ordinance, 1943."

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943."

"An Ordinance to amend the Evidence Ordinance, 1943."

"An Ordinance to regulate Appeals to the Supreme Court from the Adjudications and Decisions of Magistrates' Courts." "An Ordinance to make provision for the Appointment of Sheriffs, the Execution of their Duties and for the Enforcement of Judgments and Orders."

"An Ordinance to amend the Police Ordinance, 1942."

As will be seen from the Report which was printed and a copy of which has been supplied to Honourable Members, the Committee recommend that five Bills should be proceeded with without amendment. They recommend that four of the Bills should be amended as shown in the Appendix to the Report, and for the reasons given in paragraphs 4 and 5 of the Report, they have reprinted a complete new Sheriffs Bill.

Before moving the adoption of this Report, I would like to express our appreciation of the untiring efforts made by the Government Printer and his staff to get the Sheriffs Bill before the Council this morning.

Sir, I beg to move that the Report of the Select Committee be adopted.

The Hon. G. L. Howe, Solicitor-General:

I rise to second.

His Excellency:

The question is that the Report of the Select Committee be adopted.

Report adopted.

QUESTIONS

NOTE.—Replies to Questions No. 5 by the Honourable the Member for the Calabar Division, Nos. 13, 26, 32 and 34 by the Honourable the Member for the Colony Division, Nos. 58 and 66 by the Honourable the Third Lagos Member, Nos. 79, 83 and 86 by the Honourable the Member for the Oyo Division, No. 99 by the Honourable the Member for the Ibibio Division, No. 107 by the Honourable the Member for the Ijebu Division, Nos. 118 and 120 by the Honourable the Second Lagos Member are not yet ready.

The Third Lagos Member (The Hon. E. A. Akerele):

53. (a) Is it true that certain clerks and artisans in the Native Administration Service proceed on an incremental scale of only £3 a year?

(b) If it is true, does Government not consider this incremental pace too little in view of the economic stress holding sway in every part of the country, judging from the fact that most Native Authority employees had laboured for many years without periodic increase or annual increments prior to the 1st January, 1943?

(c) Will the Government consider the removal of the Native Administration sub-scale (£18-3-24) from the clerical Grade V in view of the general high cost of living?

His Excellency:

The question is that clause 10 be passed as amended.

Amendment approved.

Clause 11.

Clause 12.

The Hon. the Director of Medical Services:

Clause 12, Sir. I beg to move that clause 12 be amended :-

- (i) by deleting the words "two hundred pounds" and substituting the words "fifty pounds" therefor, and
- (ii) by deleting the words "six months" and substituting the words "two months" therefor.

His Excellency:

The question is that clause 12 be passed as amended.

Amendment approved.

Clause 13.

The Hon. the Director of Medical Services:

Clause 13, Sir. I beg to move that clause 13 be amended by inserting immediately after the word "may" in the first line thereof the expression:—

", after consultation with the Medical and Dental Association, ".

His Excellency:

The question is that clause 13 as amended be passed.

Amendment approved.

Title.

The Hon. the Director of Medical Services:

Sir, I beg to move that the title be amended by deleting the expression "Control, Regulation and " and by inserting after the word "Registration" the words " and Inspection ".

His Excellency:

The question is that the title as amended be passed.

Amendment approved.

Council resumed.

The Hon. the Director of Medical Services :

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

The Hon. G. L. Howe, Solicitor-General :

I rise to second.

Bill read a third time and passed.

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(Committee Stage and Third Readings)

THE EMPLOYMENT OF EX-SERVICEMEN ORDINANCE, 1945

The Hon. E. A. Miller (Commissioner of Labour):

Sir, I rise to move for consideration in Committee the following

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THE PHARMACY ORDINANCE, 1945

The Hon. the Director of Medical Services:

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

"An Ordinance to regulate the Sale and Distribution of Drugs and Poisons and to provide for the Registration and Licensing of Chemists and Druggists and Dispensers."

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Director of Medical Services:

Clause 2, Sir. I beg to move that clause 2 be amended by deleting in the definition of " the Board " the words " Poisons and ".

His Excellency:

The question is that clause 2 as amended be passed.

Amendment approved.

Clauses 3-19.

Clause 20.

The Hon. the Director of Medical Services:

Clause 20, Sir. I beg to move that clause 20 be amended by deleting the word ", that " in the penultimate line and substituting the word " accordance ".

His Excellency:

The question is that clause 20 as amended be passed.

Amendment approved.

Clause 21.

Clause 22.

Clause 23.

Clause 24.

The Hon. the Director of Medical Services:

Sir, clause 24. I beg to move that this clause be amended by deleting the expression "drug or poison," appearing in the second line thereof and substituting the word "poison" therefor.

His Excellency:

The question is that clause 24 as amended be passed. Amendment approved.

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the word "five" for the word "one" in the sixth line of subsection (3).

Amendment approved. Clauses 35 to 42. Clause 43.

The Hon. the Attorney-General:

Sir, I beg to move that clause 43 be amended by substituting the words "to be guardian of the defendant for the purposes of the suit" for the words "by whom he may defend it to be guardian of the defendant for the purpose of the suit"

Amendment approved.

Clause 44.

Clause 45.

The Hon. the Attorney-General:

Sir, I beg to move that clause 45 be amended by substituting the word "seven" for the word "ten" in the penultimate line of sub-section (1).

Amendment approved.

Clause 46.

Clause 47.

The Hon. the Attorney-General :

Sir, I beg to move that clause 47 be amended by renumbering as section 47 (1) and adding the following as sub-section (2): —

"(2) The Court may if it considers it necessary order the parties to state more fully their respective cases and may thereupon frame issues before hearing and determining the cause and in cases in which owing to their difficulty, complicated nature or the important points of law involved pleadings are required the court shall adjourn the matter and report to the Chief Justice with a view to the cause being transferred to the Supreme Court."

Amendment approved.

Clauses 48 and 49.

Clause 50.

The Hon. the Attorney-General:

Sir, I beg to move that clause 50 be amended by inserting the words "by the plaintiff" after the words "be brought" in the penultimate line of sub-section (1).

Amendment approved. Clauses 51 to 59.

Clause 60.

The Hon. the Attorney-General:

Sir, I beg to move that clause 60 be amended by inserting the words "without sufficient cause" after the word "refuses" in the second line of sub-section (2).

Amendment approved.

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Clauses 61 to 64. Clause 65.

The Hon. the Attorney-General:

Sir, I beg to move that clause 65 be amended by deleting the whole clause and substituting the following therefor:---

"65. On the conclusion of the hearing the court shall either at the same or at a subsequent sitting deliver judgment in the cause and formal judgment shall be entered in the appropriate form, and shall, if so required by the plaintiff or defendant and on payment of the prescribed fee, cause to be delivered to the plaintiff or defendant, as the case may be, a certified copy of the judgment so delivered."

• Amendment approved. Clauses 66 to 68. Clause 69.

The Hon. the Attorney-General :

Sir, I beg to move that clause 69 be amended by deleting subsection (3) and the proviso thereto.

Amendment approved. Clauses 70 to 80. Clause 81.

The Hon. the Attorney-General :

Sir, I beg to move that clause 81 be amended:

(1) by inserting a full stop after the word "book" in the sixth line, and

(2) substituting the words "Each entry therein shall show" for the words "the entry showing" in the same line: Amendment approved.

Clause 82.

The Hon. the Attorney-General:

Sir, I beg to move that clause 82 be amended by deleting the whole clause and substituting the following therefor :---

82. All monies coming into the hands of the registrar of every court in the course of the business of the court shall be retained, deposited and paid out in accordance with the provision of the Government financial instructions or regulations for the time being in force.

Amendment approved.

The Hon. the Attorney-General:

Sir, there are amendments to sixteen clauses. It is usual at this stage for the person in charge of the Bill to move that it be read a third time and passed, but in view of the fact that there are ten of these Bills inter-related it will not be possible for me, Sir, at this stage to ask that this Bill be read a third time and passed, because if an amendment is made in a subsequent Bill police force such warrant may be issued by the court and directed to "for the words "A warrant of arrest may be directed to ", and

(2) by adding the following sub-section thereto:-

(4) Where a court of its own motion issues a warrant of arrest which the court requires to be executed through an officer of a native authority such warrant shall be directed to a native authority by name and such authority shall take all the necessary steps to cause the said warrant to be executed and the provisions of sub-section (2) shall apply to the person executing the warrant on the instructions of the native authority as if such warrant had been directed to such person ".

Amendment approved. Clauses 27 to 62. Clause 63.

The Hon. the Attorney-General:

Sir, I beg to move that clause 63 be amended by substituting the words "six months" for the words "one year" therein.

Amendment approved. Clauses 64 to 151.

Clause 152.

The Hon. the Attorney-General:

Sir, I beg to move that clause 152 be amended by substituting the words "fraudulent appropriation of property" for the words "dishonest misappropriation of money".

Amendment approved. Clauses 153 to 204. Clause 205.

The Hon. the Attorney-General:

Sir, I beg to move that clause 205 be amended by inserting the words "unless specifically stated" immediately after the words "shall not" in the second line.

Amendment approved. Clauses 206 and 207. Clause 208.

The Hon. the Attorney-General:

Sir, I beg to move that clause 208 be amended by deleting the whole clause and substituting the following therefor:--

"208. Where a person is before any court and it appears to the court that such person is an infant, or a child, or a young person, or an adult, the court may make due inquiry as to the age of that person and for that purpose may take such evidence as may be forthcoming at the time, or at the time to which the inquiry may be adjourned, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been

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correctly stated to the court, and the age presumed or declared by the court to be the age of that person shall for the purposes of this Ordinance be deemed to be the true age of that person " Amendment approved.

Clause 209.

The Hon. the Attorney-General:

Sir, I beg to move that clause 209 be amended by substituting the words "Where in a charge for any offence it is alleged " for the words "Where in a charge for any of the offences in the Criminal Code it is alleged ".

Amendment approved. Clauses 210 to 266.

Clause 267.

The Hon. the Attorney-General:

Sir, I beg to move that clause 267 be amended by inserting the expression "including the person convicted," between the words "any person" and "may" in sub-section (2).

Amendment approved. Clauses 268 to 300.

Clause 301.

The Hon. the Attorney-General:

Sir, I beg to move that clause 301 be amended by deleting subclause (2) and substituting:---

"(2) Where a complaint is dismissed and such dismissal is stated to be not on the merit or to be without prejudice such dismissal shall not have the same effect as an acquittal ". Amendment approved.

Clause 302.

The Hon. the Attorney-General:

Sir, I beg to move that clause 302 be amended (1) by substituting in sub-clause (1) the expression "the magistrate, to the extent of his jurisdiction and without consulting the parent or guardian may" for all that part of the section from and inclusive of the words "and if the guardian" in the fourth line to and inclusive of the expression "magistrate adjudicating," in the ninth line;

(2) by substituting a full stop for the comma after the word "done" in the fifth line of sub-section (2) and deleting the remainder of sub-section (3) and sub-section (4), and

(3) by adding the following as sub-section (3):-

"(3) Nothing in this section shall be construed as authorising the trial of an infant."

Amendment approved.

Clauses 303 to 310.

Clause 311.

The Hon. the Attorney-General:

Sir, I beg to move that clause 311 be amended by substituting the words "qualified medical practitioner" for the words "Government medical officer" in paragraph (b) of sub-clause (1) and for the words "medical officer" in sub-clauses (1) and (2), and by substituting the words "one hundred" for the word "ten" in sub-clause (2).

Amendment approved. Clauses 312 to 331. Clauses 332 and 333.

The Hon. the Attorney-General:

Sir, I beg to move that clauses 332 and 333 be amended by substituting the expression "Parts XXXIII and XXXV" for the expression "Part XXXIII" wherever it occurs.

Amendment approved. Clauses 334 to 363. Clause 364.

The Hon. the Attorney-General:

Sir, I beg to move that clause 364 be amended-

(1) by deleting all that portion of sub-section (1) after the words "the presiding judge" in the sixth line;

(2) by inserting the symbol ":-" after the said word "judge" and

(3) by adding the following three paragraphs:-

"(a) shall direct the registrar to charge the accused with the offence in respect of which he has been committed for trial; and

(b) may in his discretion direct the registrar to charge the accused with any other offence founded in the opinion of the presiding judge on the facts disclosed in the depositions; and

(c) shall explain the substance of the charge or charges to the accused and require him to plead thereto ".

Amendment approved.

Clauses 365 to 381.

Clause 382.

The Hon. the Attorney-General:

Sir, I beg to move that clause 382 be amended by substituting a full stop for the colon after the word "fine" in the fifth line thereof and deleting the proviso. That will then simplify subsections (1) and (2). My reason for recommending this is that the proviso is in there by mistake; it should not be there at all.

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Amendment approved. Clauses 383 to 466. First Schedule. Second Schedule. Third Schedule. Fourth Schedule. Fifth Schedule.

Council Debates

Title.

Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee with various amendments. I shall move the third reading at a later stage, and ask permission to take the next Bill.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I rise to move for consideration in Committee the following Bill:---

"An Ordinance to amend the Criminal Code."

It is one of those the Select Committee recommends without amendment.

Council in Committee.

Enactment. Clause 1. Clause 2. Clause 3. Clause 4. Clause 5. Clause 6. Clause 7. Title.

Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee without amendment. I shall move the third reading at a later stage, and ask permission to take the next Bill.

> THE CHILDREN AND YOUNG PERSONS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I rise to move for consideration in Committee the following Bill:-

"An Ordinance to amend the Children and Young Persons Ordinance, 1943."

The Select Committee recommends this without amendment. Council in Committee.

Enactment. Clause 1.

Clause 1. Clause 2.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from Committee without amendment. I shall move the third reading at a later stage, and ask permission to take the next Bill. THE MAGISTRATES' COURTS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I rise to move for consideration in Committee the next Bill entitled :

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943."

The Select Committee also recommends this without amendment. Council in Committee.

Enactment.

Clause 1.

Clause 2. Clause 3.

Title

Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee without amendment. I shall move the third reading at a later stage, and ask permission to take the next Bill.

THE EVIDENCE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General :

Sir, I rise to move for consideration in Committee the following Bill:-

"An Ordinance to amend the Evidence Ordinance, 1943." There are no amendments either.

Council in Committee.

Enactment.

Clause 1.

Clause 2. Clause 3:

Clause 4.

Clause 5.

Clause 6.

Title.

Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee without amendment. I shall move the third reading at a later stage, and ask permission to take the next Bill.

THE MAGISTRATES' COURTS (APPEALS) ORDINANCE, 1945

The Hon. the Attorney-General:

- Sir, I rise to move for consideration in Committee the following Bill:-

"An Ordinance to regulate Appeals to the Supreme Court

from the Adjudications and Decisions of Magistrates' Courts." There is a list of amendments to this Bill in Appendix B.

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Council in Committee. Enactment. Clauses 1 to 4. Clause 5.

The Hon. the Attorney-General:

Clause 5, Sir, I beg to move that clause 5 be amended :---

- (1) by inserting the words "or order" between "a conviction" and "by a magistrate" in the first line, and
- (2) by deleting the proviso and substituting the following therefor: ---

"Provided that no such appeal shall lie:---

- (a) in respect of any such conviction for an offence punishable by fine only and not by imprisonment other than a sentence of imprisonment imposed on default of payment of the fine, where the fine imposed does not exceed the sum of five pounds, or
- (b) where the order does not relate to an amount or to the value of five pounds and upwards."

The object of this amendment is to enable an appeal to be laid against an order which comes foreign in certain cases after conviction.

Amendment approved. Clauses 6 to 12. Clauses 13 to 30. Clauses 31 to 47. Clauses 48 to 60. Title. Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee with two amendments. I shall move the third reading at a later stage, and ask permission to take the next Bill.

THE SHERIFFS AND ENFORCEMENT OF JUDGMENTS AND ORDERS ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I now ask permission to take the next Bill entitled:

"An Ordinance to make provision for the Appointment of Sheriffs, the Execution of their Duties and for the Enforcement of Judgments and Orders."

I will invite attention to Appendix E to the Report of the Select Committee which is a reprinted Bill, and which is now before the Council, Sir.

Council in Committee. Enactment. Clauses 1-2 571

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Clauses 3-4. Clauses 5-6. Clauses 7-12. Clauses 13-14. Clauses 15-17. Clauses 18-26. Clauses 27-29. Clauses 30-32. Clauses 33-34. Clause 35. Clauses 36-53. Clauses 54-64. Clauses 65-70. Clauses 71-74. Clauses 75-79. Clauses 80-88. Clauses 89-90. Schedule. Title.

Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee without amendment. I shall move the third reading at a later stage, and ask permission to take the next Bill.

THE POLICE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I rise to move for consideration in Committee the next Bill entitled :

"An Ordinance to amend the Police Ordinance, 1942."

Council in Committee.

Enactment. Clause 1.

Clause 2.

Title.

Council resumed.

The Hon. the Attorney-General:

Sir, I beg to report the Bill from Committee without amendment. I shall move the third reading at a later stage.

(Third Readings)

THE MAGISTRATES' COURTS (CIVIL PROCEDURE) ORDINANCE, 1945 The Hon. the Attorney-General:

Sir, at this stage I will ask permission to move the third reading and pass those Bills which have been considered in Committee. Accordingly, I beg to move that the Bill shortly entitled:

"An Ordinance to make provision for the Practice and Procedure in Magistrates' Courts in actions for the recovery Mar. 24, 1945]

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of Debts and Demands and in actions for Damages and for other Causes within the Civil Jurisdiction of Magistrates' Courts "

as amended in Committee be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE RECOVERY OF PREMISES ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled:

"An Ordinance to make provision for the recovery of Possession of Premises "

as amended in Committee be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE CRIMINAL PROCEDURE ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled:

"An Ordinance to make provision for the procedure to be followed in Criminal Cases in the Supreme and Magistrates' Courts "

as amended in Committee be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled :

" An Ordinance to amend the Criminal Code "

which has passed through Committee without amendment be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE CHILDREN AND YOUNG PERSONS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled:

" An Ordinance to amend the Children and Young Persons Ordinance, 1943 " which has passed through Committee without amendment be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE MAGISTRATES' COURTS (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled :

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943 "

which passed through Committee stage without amendment be now read a third time and passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE EVIDENCE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled:

"An Ordinance to amend the Evidence Ordinance, 1943" which passed through Committee stage without amendment be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE MAGISTRATES' COURTS (APPEALS) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled:

"An Ordinance to regulate Appeals to the Supreme Court from the Adjudications and Decisions of Magistrates' Courts "

which passed through Committee with two amendments be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE SHERIFFS AND ENFORCEMENT OF JUDGMENTS AND ORDERS ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled:

"An Ordinance to make provision for the Appointment of Sheriffs, the Execution of their Duties and for the Enforcement of Judgments and Orders " Mar. 24, 1945]

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which passed through Committee without amendment be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE POLICE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move that the Bill entitled :

"An Ordinance to amend the Police Ordinance, 1942"

which passed through Committee without amendment be now read a third time and be passed.

The Hon. G. L. Howe, Solicitor-General:

I beg to second.

Bill read a third time and passed.

WITHDRAWAL OF BILLS

The Hon. the Attorney-General:

Sir, the next item on the Order of the Day is for me to ask leave to withdraw two Bills before the House. They are:--

(1) A Bill entitled :

" An Ordinance to amend the Supreme Court Ordinance " and

(2) A Bill entitled:

" An Ordinance to amend the Criminal Procedure Ordinance."

At the time when the amendment to the Supreme Court Ordinance was drafted it was not thought that these other legislations would be through. The same thing applies in the case of the ameridment to the Criminal Procedure Ordinance. These amendments are no longer necessary and, accordingly, I ask leave to withdraw them.

His Excellency:

The question is that these Bills be withdrawn. Bills withdrawn.

MOTION

The Second Lago; Member (The Hon. Ernest Ikoli):

Your Excellency, I do not think I need so many words to speak on the Motion standing in my name, and that is :---

"Be it resolved: That this House asks the British Government to approve the appointment of a delegation of two Unofficial Members to attend as observers at the San Francisco Conference to be held on April 25th next."

The terms of this Resolution may seem rather ambitious, and in the minds of certain people it may be regarded as a request coming from a people who are attempting to move too fast. This House has enthusiastically debated the Constitutional Reforms which Your Excellency has presented to us, and these proposed Reforms to my mind mark an important landmark in the history of Nigeria. We are all looking forward to the day when we can say we stand on our own legs; that day is still far distant, but the goal is before us. As I said in speaking on the debate on the document which Your Excellency placed before this House some days ago, the foundation is laid by the Reforms which we have adopted, and I think if we work in the right spirit, it will greatly accelerate the goal to which we are all aiming.

The world is moving very, very fast to-day, and if the world is moving fast, I do not think it will be wise for us in Nigeria to say we must go slowly; of course, it is not wise to proceed without caution, but yet I do not think any of us will support the slogan "Go slowly" without reservation in a world which is moving at such a terrific pace these days.

While we debated two days ago the new Constitution which mark a very important stage in our development, a great Conference will soon be held in San Francisco which will determine the future of the world, and I think, in particular, the Colonial people. In view of the fact that it will affect our lives so very closely, I do not think any Member of this House would say that it is not the right thing for us to send representatives from this country to be as near as possible to the scene where momentous decisions are being taken on matters affecting our lives in this part of the world.

Someone may say, after all said and done, other Colonies have not made a similar request, and that we may appear rather singular. As far as I am concerned, Nigeria is important to me, and if the other Colonies do not think that matters of this kind are sufficiently important to be brought for consideration, then it is their affair. We want to get ahead and make progress, and the closer we are with big movements like this in other parts of the world, the better it shall be for our people.

I know that the matter is not in the hands of this House, and that is the reason why this Resolution is worded in the way it is, asking the British Government to approve, and I do hope that it will be favourably considered.

I hope that in our new Constitution and with the progress which we are making and hoping very confidently to attain under that Constitution, a time will surely come when we shall be able to approve expenditure of money in this House to enable our representatives to go to these Conferences and to take part in any Conference which affects our lives without first reference to Downing Street.

As I said, a Motion of this kind must appeal to all sections of this House, and one which all of us will support very heartily. I therefore move the Motion standing in my name.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

Your Excellency, in seconding the Resolution moved by the Honourable the Second Lagos Member, I would like, Your Excellency, to remind you of a certain song being sung by our children. It is this: "Kings that we see and Kings that we know are quite different."

In the present circumstances my Honourable Friend is asking Your Excellency to do all you can, Sir, to get the Home Government to grant permission to a delegation of this House in order that they may go and see. They have been hearing of good things being done in Europe, but they have not seen them.

Your Excellency, I support.

The Hon. the Acting Chief Secretary to the Government:

Your Excellency, with your permission I should like to say that if the Resolution is put to vote, Official Members will abstain from voting.

His Excellency :

The question is that this Motion be approved. Those in favour say "Aye", those against say "No". The "Ayes" have it.

Resolution adopted.

His Excellency :

Before closing this debate—as we have now reached the end of the business before us—I think it will be proper for me to express on behalf of the Official Members their very grateful thanks for the toleration and patience with which Honourable Unofficial Members have faced the enormous programme which was placed before them at this meeting. It was a peculiar combination of circumstances which made that necessary and I hope it will never be repeated.

It is the present intention to call another meeting of this Council in the Summer or early Autumn and, of course, if anything of great urgency arises, there will be a meeting earlier.

I myself am proceeding to London shortly and I will take the earliest opportunity of pressing upon the authorities in London the earnest desire of Honourable Members of this House that this Constitution should be brought into effect at the earliest possible date and I will also invite attention to the comments made by the Honourable Members who were not entirely in favour of some details. I should say that those views will get adequate consideration and whether or not alterations will be made in consequence is a matter which does not lie with me. I can assure Honourable Members that their views will receive the most sympathetic attention in London.

The Council will adjourn sine die.

Council adjourned at 11.25 a.m. sine die.



The Honourable G. Beresford Stooke, C.M.G. The Chief Commissioner, Western Provinces, His Honour Sir Gerald C. Whiteley, C.M.G. The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.



NIGERIA

House or REPRESENTATIONAL LABRANY-NICERIA Legislative Council

Debates

Twenty-Third Session

10th, 11th, 12th and 13th December, 1945

NOTE

An asterisk (*) against a speaker's name denotes that the transcribed speech has not been revised by the speaker.

- The Honourable E. A. Carr. Commissioner of the Colony.
- The Honourable E. A. Miller. Commissioner of Labour (Extraordinary Member).
- The Honourable G. L. Howe, Solicitor-General (Extraordinary Member).
- The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member).
- The Honourable R. J. Simmons, C.B.E.,
 - Veterinary Services Director of (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar, The Rev. and Honourable O. Effong.

The Mining Member, The Honourable H. H. W. Boyes, M.C.

The Commercial Member for Kano, The Honourable W. T. G. Gates.

- The Commercial Member for Lagos.
- The Honourable J. F. Winter.

The First Lagos Member,

The Honourable Ernest Ikoli.

The Member for Shipping,

The Honourable G. H. Avezathe, C.M.G.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

The Second Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division, The Honourable E. N. Egbuna.

The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division.

The Rev. and Honourable Canon S. A. Delumo. The Member for the Ijebu Division, The Honourable T. A. Odutola.

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ABSENT

OFFICIAL MEMBERS

- The Acting Chief Commissioner, Northern Provinces, His Honour Commander J. H. Carrow, C.M.G., D.S.C.
- The Deputy Chief Secretary to the Government, The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Plateau Province, The Honourable F. M. Noad.
- The Resident, Ilorin Province,

Captain the Honourable J. P. Smith.

- The Resident, Ondo Province, The Honourable E. V. S. Thomas.
- The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.
- The Resident, Abeokuta Province, The Honourable E. N. Mylius.
- The Resident, Cameroons Province. The Honourable R. J. Hook, D.F.C.
- The Resident, Kabba Province, Captain the Honourable R. M. Downes, M.C.

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt (Provisional), The Honourable C. Paris-Jones.

The Third Lagos Member.

Vacant.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 24th of March, 1945, having been printed and circulated to the Honourable Members were taken as read and confirmed.

OATHS

The Honourable G. Beresford Stooke, c.m.g., Chief Secretary; The Honourable S. Phillipson, Financial Secretary; The Honourable T. H. Baldwin, Acting Director of Education; Commander the Honourable S. H. Butler, R.D., R.N.R., Acting Director of Marine; The Honourable G. B. Williams, M.C., Senior Resident, Adamawa Province; The Honourable F. E. V. Smith, C.M.G., Development Secretary; The Honourable E. A. Carr, Commissioner of the Colony; The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member); The Honourable G. L. Howe, Solicitor-General (Extraordinary Member); The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member); The Honourable R. J. Simmons, C.B.E., Director of Veterinary Services (Extraordinary Member); and The Honourable T. A. Odutola, Member for the Ijebu Division, took the Oath as Members of the Council.

been achieved during the recent war years (which have been broadly years of great and remunerative productivity and severely restricted Government spending), it would, in my view, be idle to imagine that we can achieve the great things which we have in view without new taxation. The fiscal arrangements and potentialities of Nigeria clearly require comprehensive and authoritative review and I shall in due course make proposals with that object. Meanwhile immediate measures to add to our revenues are necessary and a Bill will shortly be published, for introduction at the next meeting of this Council, to raise additional revenue by a moderate increase in the income tax payable by individuals and companies. The Chief Commissioners have already taken effective measures, either by revision of rates or a closer system of collection, or both, to increase the yield from Direct Tax and further measures of this kind may be necessary as a corollary to the proposed revision of Income Tax rates.

I now turn to Land Tenure. Among the Bills to be introduced this Session is one to enable Native Authorities to make rules under the Native Authority Ordinance for the control and regulation of certain forms of Land Tenure.

In the Eastern and Western Provinces the ancient system of land tenure still remains the basis of our land policy but, owing to social and economic changes, these ancient systems have in some areas been subject to considerable modification. In the interests of all concerned it is important that these modifications should be regulated and controlled, and as conditions vary from one area to another, it is considered that this control should be exercised by the local Native Authorities. In the Western Provinces in particular many of the Native Authorities, relying on native custom, have in fact exercised control of this nature for a number of years.

Many of the Native Authorities have for some time been pressing for legislation and it is considered that the time has come when such legislation should be introduced. In some areas there are also problems of native land tenure which require further study and each Chief Commissioner has been authorised to post an officer to make investigations into these questions.

In regard to the new Constitution, substantial progress has been made in the drafting of the instruments necessary to bring into being the new Constitution for Nigeria, the broad principles of which are contained in Sessional Paper No. 4 of 1945, which was laid on the table and approved by this House at the Budget Meeting last March.

The existing Letters Patent, Orders in Council and Royal Instructions have to be revoked and replaced by new instruments, and to ensure that the instruments be drafted with the minimum delay a Law Officer was sent to England in May last to prepare these drafts in consultation with the Legal Adviser to the Colonial Office. Council Debates

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The position now is that drafts, agreed upon by the Law Officers concerned, have been prepared, and will shortly reach this country for examination, and while minor amendments may be necessary as a result of scrutiny of the drafts in the light of local conditions, it is not anticipated that any major amendments, which might result in delay, will be required.

It is probable that these finally approved instruments will be made by His Majesty early next year, and the Houses of Assembly established and all other requisite steps taken in time to enable the new Constitution to be in full operation before the Budget Meeting in 1947, provided that the necessary administrative machinery and procedure can be set up, shortage of staff being the chief handicap.

I will make a few remarks on exports, local foodstuffs and supplies. Exports of palm oil and kernels have unfortunately shown a decided decline in recent months, in part as the result of adverse climatic conditions during 1944, and in part as the result of a relaxation of the concentrated effort which has been made during the period of hostilities.

The production of groundnuts during the 1944-45 season exceeded expectation and a total of 228,000 tons was reached—33,000 tons more than the 1943-44 total. Indications are that the 1945-46 crop will show a further increase as the result of unusually favourable climatic conditions.

The 1944-45 cocoa crop totalled 86,000 tons. A moderately good season is expected in 1945-46 though the crop is somewhat later than usual. Prices were again substantially increased at the beginning of the 1945-46 season.

In general I should like to take this opportunity of emphasizing that the cessation of hostilities has increased rather than diminished the Allied Nations' urgent need of oil and oil seeds, and I trust Nigeria's contribution to the Allied peace effort will not fall below her valuable contribution to the war effort.

Since April some parts of Nigeria, particularly Lagos, have passed through a period of food shortage which began in June and continued until the end of August. This shortage, which however never approached famine conditions as they are known in other parts of the world, was due chiefly to the prolonged drought which had a disastrous effect, especially on the yam crop. A contributory factor was the marked decrease in the cultivation of food crops in several important producing areas, a decrease caused partly by farmers being led by high prices to pay more attention to export produce, and partly by the drift of agricultural labourers, lured by hopes of an easy and well-paid life, to urban areas where they mostly join the ranks of the unemployed.

Lagos was particularly affected by a considerable reduction in the supplies of gari from Ijebu-Ode and this shortage, combined with that of other foodstuffs, began to lead to a rapid increase in

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prices. In these circumstances it was necessary to take energetic measures to ensure adequate supplies of cheap food both to protect the lower-paid classes against real want and also to fulfil the promise that instead of increasing Cost of Living Allowance the prices of the staple foods would be reduced.

The principal measures taken were to arrange for shipments of food from abroad and to subsidise the sale of these and local foodstuffs through the Pullen markets. Considerable reductions were made in the prices of gari, palm oil, guinea corn and millet, the loss being borne by Government. The decrease in gari supplies from Ijebu-Ode enabled unscrupulous traders to charge exorbitant prices in the black market, and the pressure on the Pullen Markets, where alone it could be bought cheaply, became severe and the organization was strained to the utmost. Guinea corn and millet were brought down from the reserves held in the North and Lagosians began to consume increasing quantities of this new food. By the end of August considerable shipments of food had arrived from abroad, and with the approach of the harvest season Government felt justified in decontrolling gari. Since then, as always from September onwards, food in most areas has been plentiful and at a reasonable price, though it should be noted that with the decontrol of gari the price in Lagos is nearly double that of the same time last year.

It is now considered that with the end of the war everything should be done to encourage the return to normal channels of trade as soon as possible, and it is hoped that there will be no further requisitioning of crops after the present season; this will mean that when next season's crops are available in the open markets the Pullen Markets will come to an end. To attract foodstuffs back to the open markets it has been decided also that subsidizing of foods in the Pullen Markets should end. It was considered inequitable that the ordinary taxpayer who ultimately has to pay for the subsidies should continue to be penalized for the sake of the inhabitants of Lagos.

Imported foodstuffs have been in fair supply throughout the year, but the world food situation is in general so poor that there can be little hope of relaxing the present system of allocations and import control to any appreciable extent during 1946.

The control over the distribution of agricultural machinery, refrigerators, and typewriters has now been removed. Control of bicycles and tyres and tubes, however, is likely to remain for some time as there is little immediate prospect of increased supplies coming forward. Sewing machines were recently added to the list of controlled items (now only five in number) in order that a percentage might be reserved for ex-servicemen.

Price control has continued on the same lines as in 1944. It has been effective in so far as sales by the principal importers are

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concerned, but owing to the apathy of the public it is of little effect in subsequent resales.

The end of hostilities has brought about a slight improvement in the supply position of a fair range of commodities particularly of the United Kingdom origin, and it has been found possible to dispense with the special wartime procedures of programming and bulk purchasing by Government. Unfortunately the improvement does not yet extend to the more important commodities, and the quantities of textiles, mctor vehicles, tyres and tubes, bicycles and building materials available for Nigeria still fall far short of our requirements, and there is no immediate prospect of improvement.

I come now to the strike of last Summer. We have at present with us an expert Commission of Enquiry which is engaged in studying the Cost of Living and the methods whereby Government can best control and stabilize it. The Government welcomes an impartial investigation by competent enquirers, but it would serve no useful purpose, nor would it be proper, for me to make any further comment during the progress of these investigations. I should, however, like to say that, in my view, the Nigerian Government exercised patience and sympathy during and after the strike, and that the action taken during my absence has my full support.

I do not propose to dwell on the many attempts to fog the issue and to disturb the public mind—such as the impossible story that I had paid secret visits to Nigeria during my leave, or the even sillier invention that a certain journalist was in danger of his life. I am sure that he had nothing more substantial to fear than the dark shadows of his own imagination. In passing I deplore the incitements to violence, the appeals to Government servants to be false to their trust and the attempts to traffic in disorder for political ends. I have yet to learn that one of the qualifications for real leadership is to urge one's dupes into trouble one has no intention of sharing.

Before dealing with the general question of Trade Unions there are three issues arising out of the strike. Firstly, at one time it was seriously suggested by their leaders that strikers should receive pay while on strike. I wish to leave no doubt in anyone's mind that such a claim will never in any circumstances be admitted by this Government. Secondly, the question of essential services. During the strike an attempt was made to paralyse the hospitals, water and electric power and sewage services and so forth. Nothing is more dangerous to public welfare than to admit that hired servants of the State can dictate to the Government the hours, the wages and the conditions under which they will carry on essential services vital to the welfare, safety and security of the citizens. The formidable and familiar weapon of the strike is without justification when used in such circumstances against the Government. A principle unchallenged by trade unionism in

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England is that men employed in public utility undertakings should not engage in a strike without giving due notice to terminate their contracts of service. Thirdly, I come to Government servants on the permanent and pensionable establishment. For them to come out on strike and to attempt to halt or check the functions of Government unless their demands are satisfied is at the best a gross breach of contract, and at the worst is perilously near to rebellion against constituted authority. I want such Government servants to understand their position. After the recent strike leniency was shown to their ignorance and they were taken back into service. In future they cannot expect such lenience and participation in a strike will terminate permanently their service with Government. In plain words, they will not be taken back.

In conclusion I wish to say a few words on Trade Unions. It has become more and more apparent that considerable confusion has existed and still exists regarding the position, rights and liabilities of workmen who are members of a trade union under the provisions of the Trade Unions Ordinance, 1938. It is probable that this confusion arises from two main causes, the first a failure to understand the effect of the Trade Unions Ordinance, and the second that the actual composition of the members of any Union, from the inception of trade unionism here, has been upon a faulty basis.

With regard to the first point—failure to understand the legal significance of the Trade Unions Ordinance—this is neither the place nor the time to enter into a detailed legal discussion, but it may be of benefit to make a brief statement in simple language.

It should be understood that trade unicns are not the creation of statute but existed, and still exist, at common law, and at common law may be lawful or unlawful according to whether their objects and rules do or do not violate the general principles of law; in particular the law relating to restraint of trade and conspiracy.

In general it is an actionable wrong to induce workers to leave their employment in breach of their contracts and to assist in supporting the persons who have so broken their contracts. Shortly, the result of the Trade Unions Ordinance is that, if acts are done in furtherance of a trade dispute, the persons concerned are protected from civil or criminal proceedings arising out of those acts, so long as such acts are within the scope of the Ordinance and not accompanied by any illegal means such as violence, intimidation, coercion, molestation, fraud, etc.; but this protection, so long as the Defence Regulations continue, is governed by what constitutes a legal strike under those regulations.

The point to be stressed is that while protection is given to acts within the scope of the Ordinance, those persons who, without proper and legal notice, participate in a strike—even though the strike and the acts accompanying it are legal—do so in breach of their contract of employment, and permanent and pensionable civil

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servants should carefully consider their position in the light of this breach of contract, and remember that, even if re-appointed, there has been a break in service. The strike and the acts accompanying it may be within the law, but the breach of contract of employment is always there. A strike or lockout in pursuance of a trade dispute is not of itself illegal, but may become so if it amounts to an actionable conspiracy or has any object other than, or in addition to, the furtherance of a trade dispute within the trade or industry concerned, or goes outside the scope of the Trade Unions Ordinance. Where, however, a strike interrupts vital social services or inflicts hardship upon the community, it will have to be considered whether steps should be taken, if necessary by legislation, to ensure the continuance of such services and the well-being of the community.

Turning to the second point from which confusion may arise—the composition of Trade Unions—the phrase just now used in connection with the legality of a strike or lockout is of interest. The particular phrase is "the furtherance of a trade dispute within the trade or industry concerned " and the important words "trade or industry concerned ".

It is clearly to the best interests of workers that all employed in one particular industry and skilled in the trade concerned should join together in one body not only to maintain and, if possible, to improve conditions in that trade or industry, but also because not only the workers but the employers as well have a common bond of interest and a mutual understanding of the difficulties and conditions of that industry or trade. When these conditions obtain a trade union becomes a force of value not only to the workers but to the employers, and thereby to the particular industry itself. Where, however, as too frequently occurs in Nigeria, a trade union consists of all persons employed by a particular employer, irrespective of trade or calling, this common bond is absent, and not only employers but the workers themselves suffer, for there can be no real joint interest between workers in different trades, between the clerk and the artisan, nor any understanding of each other's problems, and either the clerk or the artisan may find himself, to his detriment, involved in a trade dispute which does not directly concern him and the details of which mean little to him.

It is essential that trade unions should reorganize to the end that each particular trade or calling should have its exclusive trade union, and, by so doing, preserve its own individual interests and the prosperity of the industry as a whole.

That the faulty type of trade union, with mixed and possibly divergent interests, has become common in Nigeria is due to a great extent to the failure of workers to realize that the interests of any one trade may clash with the interests of another, and that consequently a mixed union must lack cohesion and brings upon one class of worker the troubles of another. This Government is also to some extent to blame, for it is more than probable that wise advice at the time when unions here were in their infancy would have guided workers into recognition of the main principles of trade unionism, but unfortunately trade unions were allowed to develop on the lines of a family council or friendly society composed of all the employees of one firm or person, and in some instances the employer himself became the President of the Union! A trade union rightly composed, and possessed of an understanding of the problems of its own industry, can be a great power for good in any industry: with divided interests and without understanding of any particular industry a trade union may cause chaos in an industry to the detriment of its members.

Finally, to become a member of his trade union should be a valued privilege for the worker and be recognised as such, and the present system, based possibly on the principle of counting numbers, whereunder persons without interest in any trade or calling are welcomed as members of Unions for which there is no common bond of trade or skill, should cease, and Trade Unions should become what they are meant to be, a union of persons skilled in the same trade, working with the employer for the good of all parties and of the trade itself.

I thank you, gentlemen, for your attention.

PAPERS LAID

The Hon. the Chief Secretary to the Government :

Sir, I beg to lay the following papers on the table:-

- Sessional Paper No. 9 of 1945—Annual Report on the Education Department for the year 1944.
- Sessional Paper No. 10 of 1945—Annual Report on the Nigerian Post Office Savings Bank for the year 1944.
- Sessional Paper No. 11 of 1945—Report on the Accounts and Finances for the year 1943-44.

Sessional Paper No. 12 of 1945—Annual Report on the Nigeria Police, 1944.

- Sessional Paper No. 13 of 1945—Annual Report on the Veterinary Department for the year 1942.
- Sessional Paper No. 14 of 1945—Report on the Audit of the Accounts of the Nigerian Government Railway (including Road Motor Services) for the year ending 31st March, 1944.

Sessional Paper No. 15 of 1945—Annual Report on the Geological Survey Department for the year 1944.

Sessional Paper No. 16 of 1945—Annual Report on the Department of Labour, Nigeria, 1944.

Sessional Paper No. 17 of 1945-Trade Report for the year 1944.

Sessional Paper No. 18 of 1945—Annual Report on the Veterinary Department for the year 1943.

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- Sessional Paper No. 19 of 1945—Report on the Audit of the Accounts of Nigeria for the year ended 31st March, 1943.
- Sessional Paper No. 20 of 1945—Annual Report on the Government Railway for the financial year 1944-45.

Report of the Standing Committee on Finance for the period from February, 1945 to November, 1945.

Subsidiary Legislation made since the last meeting of the Council.

QUESTIONS

NOTE.—Replies to Questions No. 3 by the Honourable the Member for the Colony Division, No. 13 by the Honourable the Second Lagos Member, Nos. 17, 18 and 31 by the Honourable the Member for the Colony Division, No. 35 by the Honourable the Member for the Ondo Division, Nos. 41, 46-49, 51, 52, 56 and 57 by the Honourable the Member for the Ibibio Division, No. 60 by the Honourable the Member for the Calabar Division, No. 62 by the Honourable the Member for the Ibibio Division, Nos. 67, 69 and 70 by the Honourable the Member for the Rivers Division, Nos. 71-73, 75-80 by the Honourable the Member for the Colony Division, Nos. 81, 83 and 84 by the Honourable the Member for the Egba Division, Nos. 95 and 96 by the Honourable the Member for the Ijebu Division, Nos. 103-105 by the Honourable the Member for the Ijebu Division, Nos. 106-109 by the Honourable the Member for the Ijebu Division, Nos. 110 by the Honourable the Member for the Ijebu Division are not yet ready.

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

1: (Question No. 5 of the 5th of March, 1945). Now that the £11,420 compensation to the 26 particular Chiefs of Opobo (their heirs and successors) whose war canoes and guns were conditionally surrendered to and confiscated by Her Britannic Majesty's Government between 1888 and 1889, is at hand, and the payees have been checked, definitely ascertained and located, will the Honourable the Financial Secretary be gracious enough to order payment soon? If not, why?

Answer-

The Hon. the Chief Secretary to the Government:

The compensation has now been paid in full to those entitled thereto.

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

2. (Question No. 13 of the 5th of March, 1945). What are the Native Courts whose warrants committed 232 women to prison for adultery? vide Prisons Report 1943 page 6 "Women Prisoners" (c):-

(b) Were their male partners similarly punished, if not why not?

(c) Under what native law did the courts satisfy Government that the committal of those women into His Majesty's Prison was equitable?

(d) How many women were similarly punished by British Courts during the same year?

(e) Will Government promise an undertaking to institute Commission of Inquiry into this matter for definite decision in future?

Answer-

The Hon. the Chief Secretary to the Government:

(a) The native courts in the Benin, Ondo, Warri, Cameroons, Onitsha, Ogoja and Owerri Provinces having jurisdiction over the areas in which the offences were committed.

(b) Yes, Sir, when they could be traced.

(c) Under the native customary law of the areas in which the offences were committed.

(d) None.

(e) No, Sir.

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

4. (Question No. 32 of the 5th of March, 1945). To ask the Honourable the Chief Commissioner, Western Provinces:-

(a) What was the total tax collected in Odogbolu and Aiyepe Towns of Ijebu Province during each of the years 1934/44?

(b) What improvements, if any, have been made in any of these towns during the same period.

Answer-

The Hon. the Chief Secretary to the Government:

Year				Odogbolu			Aiyepe				
				£	s	d		£	S	d	
(a)	1933-34			781	12	6		383	0	0	
	1934-35		*	782	0	0		352	15	0	
	1935-36			801	5	0		343	10	0	
	1936-37		,	816	7	6		337	17	6	
	1937-38			807	5	0		342	10	0	
	1938-39			767	15	0		322	16	6	
	1939-40			770	5	0		339	17	6	
	1940-41			768	13	9		346	10	0	
	1941-42			759	17	0		340	10	3	
	1942-43			777	4	2		354	14	11	
	1943-44			811	9	10		376	14	9	
				~			0.1	3 3			

(b) (i) Construction of a Native Court at Odogbolu.
 (ii) Construction of a Tax Office at Odogbolu.

- (iii) Construction of a road linking Aiyepe with Ikenne on the Ijebu Ode-Shagamu-Ikorodu Road.
- (iv) Tarring of the main road running through the outskirts of Odogbolu.

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

5. (Question No. 34 of the 5th of March, 1945). How many cases of native courts were reviewed by Residents or Divisional Officers during the year 1943 and how many sentences of imprisonment were quashed?

Answer-

The Hon. the Chief Secretary to the Government:

		Case.	s Reviewed	Sentences of Imprisonment quashed.
Northern Provinces			701	122
Eastern Provinces			13,725	1,511
Western Provinces			3,706	253
Colony			303	8
e e				
	Total		18,435	1,894

The Second Lagos Member (The Hon. E. A. Akerele) :

6. (Question No. 58 of the 5th of March, 1945). (a) What is the numerical strength of the clerical staff at present serving under the Native Authorities of (a) Western (b) Eastern and (c) Northern Provinces?

(b) How many of these number in each group of Provinces are at present on the following Government grades:

(a) Chief Clerk or Superior posts

(b) Assistant Chief Clerk (c) First Class

(d) Second Class (e) Third Class

(c) How many are on the Dods' Report Grades IV and V? Answer-

The Hon. the Chief Secretary to the Government:

	Northern Provinces		East	ern	Wes	stern	
			Provin	nces	Prov	inces	
A .	The recorded establishments d	o not					
	show separate totals for clerica		82	2	7	69	
	non-clerical employees.						
B. Totals of graded staff are as follows :							
(0	a) on similar scales to C.C. or						
	S. posts	12	(a) N	IL	(a)	4	
(7) on similar scales to A.C.C.	5	(a) N (b) N	IL	(b)	4	
	c) on similar scales to 1st	-	(0)		(-)		
1	Class Clerk	52	(c)	21	(c)	15	
(0	d) on similar scales to 2nd						
`	Class Clerk	309	(d)	29	(d)	60	
*(e) on similar scales to 3rd		\ /		()		
,	Class Clerk * (e) is the same salary scale as	1,050	*(e)	78	*(e)	131	
	* (e) is the same salary scale as	for Gra	de ÍV.				
		(55	55	
C.	(Grade V)	(Gra	ade V	(Grad	eV)	
	· · · · · · · · · · · · · · · · · · ·		uding	`			
			scale)				

The Second Lagos Member (The Hon. E. A. Akerele) :

7. (Question No. 66 of the 5th of March, 1945). (a) To ask the Chief Commissioner, Western Provinces whether it was true that the application of Mr S. A. Gbadebo, Forest Ranger, Egba Native Administration for transfer to Ibadan Native Administration Forestry Department was refused on the ground that he was a native of the Oyo Province?

(b) If the answer is in the affirmative, will His Honour make public pronouncement of the decision of the Conference of Chiefs of the Western Provinces on the subject of discrimination against non-natives in Native Administration Services with a view to putting into practice the policy of Government on the matter.

Answer-

His Honour the Chief Commissioner, Western Provinces:

(1) No Sir. Mr Gbadebo is not a native of Oyo Province but his application for transfer to the Ibadan Native Administration was refused on the ground that his qualifications for the vacant post of Ranger were considered to be inadequate.

(2) At the Chiefs' Conference held at Ijebu Ode in 1941, it was agreed that Native Administrations should employ not only natives of their own areas but also natives of other provinces and areas. But it was made clear in the course of the debate that there was no objection to preference being given to a "son of the soil" provided he was qualified for the work and was in every other way suitable.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

8. (Question No. 79 of the 5th of March, 1945). (a) What are the acreage of the land leased to Colonial Government for $\pounds 20$ per annum in the year 1900 for the establishment of a model farm at Olokemeji and who is the custodian of the lease?

(b) Was the area ever surveyed and if so, could Government arrange for the supply to the Native Administration copy or copies of the map or maps?

(c) What sort of model farm was established at Olokemeji and what usefulness has it served the natives since its establishment?

(d) What is the land being used for at present and to what extent has the area decreased or increased? If decreased could arrangements be made to return to the natives, the portion not used? And if increased, how was the additional acreage acquired? Who signed the lease and what are the terms?

(e) For how long has the rental of £20 per annum been paid and how was payment made? Is the payment continuous? If so, under what head and item is it paid into the Native Adminisstration? And if not, why not?

Answer-

The Hon. the Chief Secretary to the Government :

(a) The lease to which the Honourable Member refers is presumed to be an Agreement dated the 14th of December, 1900, between Her late Majesty Queen Victoria and the Bashorun and Authorities of Ibadan whereby the former leased from the latter three parcels

of land one of which was at Olokemeji. The original document, to which was attached a plan showing the dimensions of the areas concerned, is lost and the exact acreage is not known.

(b) Yes, Sir, but as the plan cannot be traced it is not possible to supply copies to the native authority.

(c) The Agricultural Department has had no farm at Olokemeji since 1910. No precise records of the Department's activities in the area in question prior to that date can be traced.

(d) The area is thought to be now included in the Olokemeji Forest Reserve. The original Agreement was revoked in 1906 and has been replaced by three subsequent leases the last of which is dated 1st November, 1934. As the original acreage is not known it cannot now be ascertained whether the area at present held is greater or less than that held under the Agreement. The Agreement was signed by Sir George Denton and by Fajimi, the Bashorun and seven other authorities of Ibadan, and was for a term of 99 years at an annual rental of £20 for all three parcels.

(e) Rent at the rate of $\pounds 20$ per annum was presumably paid until 1906 when the Agreement was revoked and the parties entered into alternative arrangements. The sum is presumed to have been paid in quarterly instalments to the Bashorun and Authorities of Ibadan in accordance with the terms of the Agreement.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

9. (Question No. 83 of the 5th of March, 1945). What was the term of transfer of the lease signed on 30th December, 1910 when Agricultural Department acquired its present site?

Answer-

The Hon. the Chief Secretary to the Government:

The Honourable Member's question is understood to refer to Moor Plantation, Ibadan. This area was not acquired in 1910 but by a lease dated the 27th of January, 1912 under the terms of which 5,000 acres were leased to Government for a term of 99 years at an annual rental of 3d an acre. This lease was surrendered in 1934, when a new lease for a considerably smaller area was entered into.

The Member for the Oyo Division (The Hon. Akinpelu Obisesan):

10. (Question No. 86 of the 5th of March, 1945). Will Government indicate in details the acreage of various lands so far acquired in Ibadan, and in the sister towns Abeokuta, Ijebu-Ode, Oyo, Ife and Ilesha?

(b) And also in respect of lands taken over by the Military?

(c) What rents, if any, are being paid in respect of each and what rents are being collected by Government on each annually?

(d) Is Government aware that the acquisition of such extensive area in Ibadan is causing grave hardship to the towns-people whose valuable farming areas round the town have been taken and have therefore been hemmed in?

(e) Will Government (i) consider releasing portion of these acquisitions and (ii) be good enough to refrain from considering any further proposal to acquire more land in Ibadan?

Answer-

The Hon. the Chief Secretary to the Government:

(a), (b) and (c) Schedules containing the details requested, (typed copies of which have been sent to the Honourable Member) are too voluminous to permit of their being printed.

(d) No, Sir. (e) No.

The Member for the Ibibio Division (The Hon, G. H. H. O'Dwyer):

11. (Question No. 99 of the 5th of March, 1945). To ask Government:---

For the number of Ibibio youths awarded scholarships overseas in the following branches of study within the last three years, namely: engineering, medicine, agriculture, science, African languages?

Answer-

The Hon. the Chief Secretary to the Government :

The following overseas scholarships have been awarded to Ibibio youths within the last three years :-

Medicine.—One (awarded by the Oron Union, Eket Division). Agriculture.—Two (awarded by Government).

Engineering, Science, African Languages .- Nil.

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

12. (Question No. 107 of the 5th of March, 1945). Is it a fact that of the total percentage of commission or rebate payable to chiefs for collecting taxes of their area, a certain amount is deducted for paying junior clerks engaged for writing out Tribute Tax receipts?

(a) May I know why the salaries of such junior clerks are not a charge to the Treasury of the Native Authority concerned?

(b) For comparison, may I know what the position is in regards to tax-collectors attached to the Tax Office, Lagos, whether the salaries paid to clerks issuing tax receipts are deducted from the salary payable to the head of that Department, or whether the salaries of such clerks are paid as a direct charge to the Department, if not, paid from the salary of the head of the Tax Office? (c) Why must the salaries paid to junior clerks under the Native

Administration in Ijebu area come out of the total rebate payable to each townhead and not direct from the local Treasury concerned and such clerks treated as the employees of the Native Authority?

Answer-

The Hon. the Chief Secretary to the Government :

No, Sir. Personal clerks are employed instead of temporary tax staff, and the remuneration of the chiefs who collect tax is in no way affected thereby.

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

14. (Question No. 120 of the 5th of March, 1945). (a) To ask the Honourable Comptroller of Customs what is the total amount that has accrued to revenue from the export duty on Cocoa between the years 1924 and 1944?

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(b) Can he give similar figures with regard to (i) Palm Oil (ii) Palm Kernels and (iii) Groundnuts?

Answer-

The Hon. the Chief Secretary to the Government:

From the 1st January, 1924 to the 31st December, 1944:-

· · /	Cocoa Palm oil Palm kernels	···· ····	 	 $\begin{array}{c} x \\ 1,966,934 \\ 2,784,404 \\ 4,697,697 \\ 824,499 \end{array}$
	Groundnuts		***	 024,499

The Second Lagos Member (The Hon. E. A. Akerele) :

15. Inviting attention to the provision for two additional Supervisors under Head 12 of the Current Estimates (Customs and Excise Department) to ask whether the two posts have been filled? If not, to ask for a statement of the reasons for their not being filled?

Answer_

The Hon. the Comptroller of Customs and Excise:

One post was filled on the 14th September, 1945. The other post will be filled as soon as it is decided which of several candidates is the most suitable.

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

16. To ask why the Maternity Hall for Ikeja District for which about £8,000 was voted by the Finance Committee since last March has not been undertaken?

Answer-

The Hon. the Director of Medical Services:

Difficulties arose over the acquisition of a site to which the owner's agreement had originally been given. These have now been resolved but it is doubtful whether construction can be completed this year.

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

19. To ask:-

(a) If any lorries have been given licence to ply the road between Lagos and Badagry?

(b) How many?

(c) Is the traffic justifying the money expended on the road during all season?

(d) Is the road used by Government Officials in preference to lagoon route? If not why not?

Answer_

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) **Two**.

(c) Yes—in consideration of future development, and the encouragement of the local people who largely constructed the road by voluntary labour. A daily mail service to Badagry and rapid evacuation of produce is provided. Cost of Maintenance is now less than £150 per annum, and this amount is provided by Egun-Awori Native Administration.

(d) The road is used in cases of urgency, and by departmental officers. Normally the launch provides greater transport accommodation, and serves intermediate points not accessible by road.

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

20. (a) To ask if Government does not think that the time has come for it to define in unequivocal expression by ordinance, regulation, or declaration, the relative position of unofficial members of the Council to their constituencies:—

(b) Whether or not they are in duty bound to refer every ordinance or questions of vital and pressing nature to constituencies before they could express opinion on them?

(c) Are unofficial members of the Legislative Council—European or African, elected or appointed "Carbon Copies" or "His Master's Voice", of their constituencies?

(d) Is Government prepared to put a stop to the expression by unofficial members to be allowed "to go back to consult constituency" before debating or offering opinion or advice on any Bills, Ordinance, etc.?

Answer_

The Hon. the Chief Secretary to the Government :

(a) No, Sir.

(b) (c) and (d) Under Article IV of the Nigeria (Legislative Council) Order in Council, 1922, the unofficial membership of the Council consists of three Elected Members representing the municipal area of Lagos, one Elected Member representing the municipal area of Calabar and not more than seventeen nominated unofficial members. It is the established practice, though it is not prescribed by law, that Nominated Unofficial Members shall be appointed to represent either a geographical division or an important section of the community. Before making an appointment, the Governor may consult the area or the interest concerned, but it must be emphasised that he is in no way bound to accept any recommendation which may be made.

It would be incorrect to suggest that a Member of the Legislative Council should not express in the Council views with which those he represents are in disagreement, and that he should not speak on matters regarding which they have not previously been consulted. An Unofficial Member, whether Nominated or Elected, should, of course, do his best to obtain the views of those whom he represents; but he would be failing in his duty if he tendered in the Legislative Council advice which was not his own and with which he did not agree. Further, as the member has been selected as the person most suitable to represent an area or community it is not unlikely that he will have a better grasp of any question

affecting the country and that area or community than can possible be had by large numbers of persons whose duties do not normally bring them into direct contact with the subject matter of such question. It is possible that a course of action which might commend itself to a particular section of the community would not be to the benefit of the country generally, and in such a case it would clearly be the duty of a Member of the Council to subordinate the interests of a part to the interests of the whole.

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

21. To ask if Government has ascertained from the Chief Commissioners, Residents and Divisional Officers how far the expressions of "No Confidence" and a desire for Self-Government are indicative of the true feelings of the indigenous inhabitants of Nigeria in the hinterland and different parts of it?

Answer_

The Hon. the Chief Secretary to the Government:

If the Honourable Member refers to the resolution of "No Confidence" in certain senior Government officials said to have been passed by a Mass Meeting of workers in Lagos, the answer to the first part of the question is in the negative.

With regard to the desire for Self-Government, it has long been the declared policy of this Government to work towards that end but Government is satisfied that the vast majority of the people realise that Nigeria is not yet sufficiently developed either politically, socially or economically to achieve that aim in the near future.

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

22. To ask :--

(a) For returns of loss or losses sustained by the Railway, Marine, Public Works Department, Lagos Town Council, the Post Office and other departments affected by "the strike" of June to August last?

(b) What steps is Government going to take if any to prevent a recurrence of such strike in the future?

(c) What will be the duration of Cost of Living Allowance after the cessation of War?

(d) Will permanent increment be given to the wages of all Government employees, Clerical and Technical when Cost of Living Allowance is done away with?

Answer_

The Hon. the Chief Secretary to the Government :

(a) I regret that figures are not available.

(b) No step which Government or any other employer may take can be guaranteed to prevent a strike.

(c) It is not possible to say for how long a cost of living allowance will be paid.

(d) I am not in a position to say whether the cost of living allowance or any part of it will ultimately be absorbed in salaries, since this is a question which will be considered by the Salaries Commission.

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

23. In view of alleged scarcity or shortage of food in Europe evidently affecting Britain to ask:--

(i) If Government would not embark on an extraordinary effort to export whatever Nigeria could supply *in quantum* to relieve dear England, such as citrus, fats, potatoes, rice, wheat and even coal for the winter?

(ii) Is Government aware of the return of a Mr Doherty from Britain who is reputed to qualify in canning fruits for export, will Government engage him for the purpose indicated above; or get someone out for the job?

Answer_

The Hon. the Chief Secretary to the Government:

(i) Every possible effort has been made and is being made to export to the Ministry of Food the maximum possible quantities of cocoa, palm produce, groundnuts and beniseed. It is considered that in concentrating on these major exports, Nigeria is making her most effective contribution towards relieving the food shortage in the United Kingdom and Europe. Other locally-produced foodstuffs are either unsuitable for export, are required for consumption here or suitable shipping is not available. As regards coal, Nigeria is doing her best to supply all the needs of the other West African territories and is hereby materially assisting the United Kingdom by reducing the demands on her limited supplies.

(ii) As canning machinery is not available in Nigeria, the question does not arise.

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

24. (a) Is it a fact that one Mr Oyinke at one time an Inspector of police had his conviction quashed by the Privy Council?

(b) Is Government going to compensate him for the punishment he underwent by serving a term in prison?

(c) Is he going to be paid the pension recommended to the Finance Committee sometime before the announcement of the success of his appeal to the Privy Council?

(d) Is the pension going to be retrospective or prospective? Answer—

The Hon. the Chief Secretary to the Government :

(a) No, Sir.

(b) Does not arise in view of (a) above.

(c) and (d) In view of Mr Oyinke's good service record prior to his conviction an *ex-gratia* annual allowance of $\pounds 27$ has been approved for payment to him with effect from the date of his release from prison.

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

25. (a) To ask for the number of persons licensed, if any, to supply gold dust to Nigerian Goldsmiths—their names and address with instructions given to them as to mode of selling?

(b) How many licensed goldsmiths are there in Nigeria and what quantity of gold dust is recommended to be sold to them in a year?

Answer-

The Hon. the Chief Secretary to the Government:

- (a) (i) Six licensed gold dealers and all banks.
 - (ii) (a) United Africa Company Limited Plot 6, Gusau.
 - (b) Odutola Brothers, P.O. Box 52, Ife.
 - (c) Odutola Brothers, Ita-Akogun Street, Ilesha.
 - (d) United Africa Company Limited Plot 2, Minna.
 - (e) Odutola Brothers, P.O. Box 52, Ijebu-Ode.
 - (f) Odutola Brothers, P.O. Box 39, Ibadan.
 - (*iii*) Selling is governed by the Gold Trading Ordinance No. 18 of 1935, particularly sections 4 to 9 inclusive.
- (b) (i) One thousand one hundred and sixty-three.
 - (ii) The quantity is governed by the Licensed Goldsmiths (Raw Gold Exemption) Order, 1945, Public Notice No. 184 of 1945 and is at the discretion of the Commissioner of the Colony and Residents. It is understood to be such as to meet the requirements of goldsmiths' legitimate trade.

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

26. To ask :---

(a) How many Africans have been granted Government Scholarships for qualification in England?

(b) A list of the profession they were sent to England for?

(c) How many have returned to Nigeria and how are they posted and employed; how many are still away, and how many on the waiting list to proceed?

Answer-

The Hon. the Chief Secretary to the Government:

(a) Sixty-nine since 1937.

(b) Certain scholars are pursuing Degree or Diploma courses at Universities and Colleges with the view to obtaining superior qualifications in Teaching, Engineering and Accountancy. The remainder are pursuing special technical courses in the following subjects:—

> Draughtsmanship, Limb-fitting, Linguistics, Printing, Railway operation and Social Welfare.

(c) (i) Seven. Two have been appointed Education Officers and attached to the Higher College, Yaba; one is acting as an Assistant Registrar of Co-operative Societies in charge of the Benin and Warri Provinces; four are posted to the Colony and employed on Social Welfare duties.

(ii) Sixty.

(*iii*) Two. Certain other candidates have been selected for the award of scholarships provided that the proposed courses of study can be arranged.

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

27. (a) What is the attitude of Government towards the local "Red Cross" organised by Mrs Ajose, M.B.E.—is it having any recognition, grant-in-aid, and other support from Government?

(b) Will it be of service to returned soldiers who are disabled or what service is it rendering to the public?

(c) Is it attached to medical department?

Answer-

The Hon. the Director of Medical Services:

(a) As far back as 1930 communications passed between this Government and the British Red Cross Society with reference to the formation of a Nigerian Branch, but in the end the project was abandoned, it being considered that the time for its creation was not then ripe. Lectures and training, however, were inaugurated on approved lines.

Early in 1942, approach was again made to the main body as a result of which a properly constituted and recognised Nigeria Central Council Branch with authority to approve the formation of local branches was set up. His Excellency Sir Bernard Bourdillon was the Patron of the Society; Lady Bourdillon the President and Mrs Grantham Vice-President. Dr J. W. P. Harkness, c.M.G., was elected Chairman of the Central Council and Mr T. Hoskyns-Abrahall, c.M.G., Chairman of the Executive Committee. Later His Excellency Sir Arthur Richards and Lady Richards accepted the offices of Patron and President respectively.

No grant-in-aid is made by Government nor is such intended, although full recognition and support are and will continue to be accorded by various Government officers. The body is a purely voluntary one and it is of considerable importance that it should remain so.

(b) Arrangements have been made by this Government for the after care of disabled soldiers discharged from the Army. The Local Branch has received Red Cross Comforts for the troops and has already distributed these to units and Army Hospitals. The Lagos branch has established a T.B. Clinic and has organised the teaching of First Aid, a District Nursing and Medical Loan Services as well as other activities of which full details are given in its Annual Reports.

(c) It is not attached to the Medical Department but wroks in close association and co-operation with it.

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

28. To ask :---

(a) If the Director of Medical Services would report to the Council how far he found his appointment of Visitors to the Lagos African Hospital beneficial?

(b) Is he going to recommend appointments of visitors to all Hospitals in Nigeria?

(c) Were there any Hospitals affected by the Strike of June last? Answer—

The Hon, the Director of Medical Services:

(a) The Visitors Committee at the African Hospital, Lagos, has made some helpful suggestions.

(b) Yes, Sir.

(c) In one town the staff of the two Government hospitals ceased work for a period of eleven days. Elsewhere hospital personnel remained faithful to their duties. Hospital services however suffered from the general difficulties of supply attendant on restricted transport services during the strike.

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

29. (a) Is it correct that African Government Officials and Clerks on becoming "foreign natives" in stations of appointment do pay rent for houses tenanted by them in "Government Quarters" and for other amenities, and that no rent is paid by any European Officers occupying furnished Quarters?

(b) Will Government be prepared to consider and revise any regulation under which African Officials and Clerks described above are paying rents when serving the public outside the places of their birth?

Answer-

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) No, Sir. The rents charged are considered fair and reasonable, having regard to the accommodation provided and current rates for non-Government houses throughout Nigeria.

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

30. (a) What interest if any, has Government in Sir Adeyemo Alakija's enterprise about discharged prisoners?

(b) How many prisoners have, since the inauguration of Prisoners' Welfare Association or Society, been benefited or looked after financially or otherwise to get settled, and detest criminal life?

Answer-

The Hon. the Chief Secretary to the Government:

(a) The Port Welfare Officer has when opportunity affords, assisted the Discharged Prisoners Aid Society by providing liaison between the Society and the Prisons Department. (b) Government is not in possession of the precise details required. Application to the Society would, it is suggested, produce the required information.

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

32. To ask :---

(a) If Government is going to demobilise all returned soldiers from the theatres of war or would retain an appreciable number of them for future emergency or purpose?

(b) Will Government allow those of them who were taught specific trades e.g. electricity, field signals and telegraphy, mechanical repairs of Aeroplanes, Motors and Vehicles, Iron casting and burnishing, etc., to continue until they graduate to be of service to Government and Railway departments or become independent masters of their jobs for general benefit to the public?

Answer-

The Hon. the Chief Secretary to the Government:

(a) It is intended to retain a number of Battalions of the Nigeria Regiment. Troops due for discharge may be retained in the Regiment if they express a desire to do so, if they are medically fit and if they are recommended by their Commanding Officers. In other cases they are discharged.

(b) Tradesmen who wish to remain in the Army to receive further training must comply with the conditions mentioned in (a) above.

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

33. To ask if Government would consider the suggestion of converting some of its forest reserves in Nigeria to arenas of Agriculture and employ returned soldiers, who have no occupation to go back to in them; at the same time to produce commodities to feed the country.

Answer-

The Hon, the Chief Secretary to the Government:

It is the object of Government that demobilised soldiers should be re-absorbed as rapidly as possible in the normal civilian life of the country and it is therefore not proposed to establish separate agricultural settlements for demobilised soldiers. Ex-soldiers will be encouraged to participate with others in such land settlement schemes as may be started but, in view of the need to preserve the existing forest reserves to ensure an adequate supply of timber and other forests products essential for the welfare of Nigeria, such settlements would only be established in forest reserves in exceptional circumstances.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, O.B.E.):

34. To ask the Honourable the Chief Secretary to the Government if the claim of the recent strikers has been met? and if not, why not?

Answer-

The Hon. the Chief Secretary to the Government:

No, Sir; the Government was not prepared to approve an increase of more than 20 per cent in existing COLA without a Commission of Enquiry.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, O.B.E.):

36. To ask the Honourable the Postmaster-General:-

(a) How soon must we expect a proper Post Office with telegraph and telephone services for Ado-Ekiti, Ikare, Kabba, Okene and Auchi?

(b) To consider a Postal agency for Ayere, Ogori and Ikarram in Kabba and Ondo Provinces?

Answer_

The Hon. the Chief Secretary to the Government:

(a) New post office buildings for Ado-Ekiti, Kabba, Okene and Auchi have been included in Departmental proposals for 1946-47.

It is proposed to ask for a new building for Ikare in 1947-48.

Telegraph and Telephone facilities can be provided at Ado-Ekiti and Ikare in 1947. Depending upon availability of stores and staff these facilities can be extended to Kabba and Okene in 1948-49 or possibly earlier.

It is not yet possible to say when telegraph and telephone facilities will be extended to Auchi, but the matter is under consideration.

(b) Investigations are being made concerning the opening of Postal Agencies at these places.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, O.B.E.):

37. To ask the Honourable the Director of Medical Services :---

(a) What is being done to expedite the building of a decent Hospital at Ikare, Ondo, Okitipupa, Owo, Kabba, Okene and Auchi?

(b) What is being done in the meantime to meet the need of the people and to relieve the strain of the over-worked Medical Officer?

(c) That a few Ambulances be provided in the meantime for conveying patients to Akure and Ado-Ekiti Hospitals?

(d) What is being done towards the new Leper Colony which is rapidly increasing at Egbe in Kabba Province under Reverend W. C. McIver of the Sudan Interior Mission?

(e) What is being done towards a proper Sewerage system to improve the Sanitary condition of Lagos and other towns of Nigeria?

Answer-

The Hon. the Director of Medical Services :

(a) In the Medical Development Programmes the following new hospitals and extensions to existing institutions in Kabba, Benin and Ondo Provinces are included :---

Ondo Province:

Akure-Increase to 120 beds. Ado Ekiti-60 beds. Ondo-120 beds. Ikare-60 beds. Okitipupa-60 beds.

Kabba Province:

Lokoja-Increase to 110 beds. Ayangba-48 beds. Kabba or Okene-48 beds.

Benin Province:

Benin City-Increase to 120 beds. Asaba-60 beds. Okpama-60 beds.

Agbor-Increase of 30 beds.

The question of expedition, Sir, is not a matter within my capacity to answer as it depends upon the provision of funds, the development building programme, the availability of staff for construction and the availability of qualified medical personnel.

(b) Precisely nothing, by reason of shortage of staff

(c) Owing to conditions created by the War, ambulances have not been available and are still not available. Provision has been made in the development scheme for ambulances for rural areas.

(d) The so called Leper Colony is not recognised as such in view of the fact that the Mission authorities concerned provide no qualified medical staff for the diagnosis or treatment of leprosy.

(e) Some years ago £550,000 was provided by Legislative Council under the Loan Ordinance for a Sewerage Scheme for Lagos, but eventually it appeared that the cost, including land acquisition, would exceed £1,000,000 and the Scheme was dropped in 1930 when the financial resources of the territory were subject to considerable strain. Since then a modified scheme has been introduced in Lagos, but it must be realized that the introduction of such schemes must follow, or at the earliest coincide with, the re-planning of townships which is a matter now under active review by Government.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, O.B.E.):

38. To ask the Chief Oil Control Officer how much longer will permit for Petrol and Tyres continue? and what is the real object of these Police Posts now?

Ansiner-

The Hon. the Chief Secretary to the Government:

(a) It is impossible to say as it depends entirely on the supply position which is still extremely difficult. The Honourable Member has the assurance of Government however that the permit system covering the position of petrol and tyres will not be continued longer than is absolutely necessary. Government decides to relax transport control at the earliest possible moment.

(b) Police Posts are maintained-

Agriculture and employ returned soldiers, who have the to go back to in them; at the same time to produce commodities to feed the country.

The Hon, the Chief Secretary to the Government : at that demobilised soldiers should

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(i) To enforce the provisions of Regulations No. 49 of 1942.

(ii) To prevent prohibited movements of foodstuffs.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, O.B.E.):

39. To ask the Commissioner of Police what has been done to improve the Uniform and the pay of the Policemen?

Answer-

The Hon. the Chief Secretary to the Government:

Recent improvements in the uniform of the rank and file of the Police Force are the substitution of khaki drill for blue serge and the supply of boots and puttees to members of the rank and file. Experiments are also being made with new types of headdress.

2. Apart from cost of living allowance, no recent improvements in the rates of pay have been effected; these rates of pay will come under review by the Salaries Commission.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

40. To ask :--

(a) Whether by the distribution of Tax Declaration Forms, to the Tax payers of this country this year, it is the intention of the Government to systematise collection of Income Tax in Nigeria?

(b) If so, how soon will the fundamental principles of Income Tax collection be applied as obtained in civilized countries which pay Income Tax merely to exempt a certain portion of a man's Income, or salary, from taxation and such exemption to married person for maintenance of home and educational expenses of children?

Answer_

The Hon. the Chief Secretary to the Government:

(a) It is the intention of Government to continue the systematic assessment and collection of Income Tax and to improve the technique as staff and opportunity allow.

(b) Relief is granted under the Income Tax Ordinance in respect of a portion of the income in the cases of married men and individuals with children or other dependant relatives, but in pursuance of the principle that every individual deriving benefit from Nigeria should make some direct contribution by way of tax towards its services, no general measure is contemplated to grant total exemption in respect of any part of every individual taxpayer's income.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

42. To ask :---

(b) Could the present one-roomed quarters provided for the men at Oron, Eket, Opobo, Abak, Uyo and Itu be improved on modern lines so as to give comfort to these men who sometimes have to live in one of these insanitary rooms for several months with a family of 6 persons?

Answer_

The Hon. the Chief Secretary to the Government:

(a) No.

(b) Long term plans have been made, and steps have already been taken, to build new two-roomed quarters at the stations mentioned, and to convert existing lines of one-roomed quarters into two-roomed quarters. Two-roomed quarters already exist in a number of police barracks in the Calabar Province, including some of those named.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

43. To ask :----

In view of the preponderance of illiterate children of School age in this country and the much talked of Drive for Mass Education: What plans are being made by the Government to bring about as early as possible compulsory education in Nigeria?

Answer-

The Hon. the Director of Education:

The proposals for Mass Education made in Colonial No. 186 do not envisage compulsory education. If, by the term "compulsory education" in this question is meant compulsion for all children of school age, the revenues of Nigeria are inadequate for such a project at present.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

44. To ask :--

(a) When was the last census of Nigeria taken?

(b) Is 22 million a correct figure of the population?

(c) Would Government take prompt action as soon as possible to arrange for a census of the country to be taken? If not,

(d) What is the drawback?

Answer-

The Hon. the Chief Secretary to the Government:

(a) In 1931.

(b) No Sir.

(c) and (d) It is the present intention of Government to take a census in 1951. Shortage of Staff will preclude a census being taken at an earlier date.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 45. To ask:—

(a) How soon will the Government make an Official announcement, in definite terms, as to the completion of Pension Scheme evolved for Non-Government Teachers?

(b) How far is it retrospective?

(c) Stipulation for voluntary retirement by those old hands who may wish to do so?

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Answer-

The Hon. the Director of Education:

(a) An announcement regarding a superannuation scheme applicable to non-Government Certificated Teachers will be made before the 31st of December.

(b) To the 1st of April, 1945.

(c) Retiring awards will only be made to those who retire in the circumstances which qualify pensionable Government servants for pension. There is no provision in the scheme for voluntary retirement.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

50. To ask :---

Seeing that there is a great need for sound Secondary education to meet the recommendations of the Elliott Commission for University College in Nigeria, as well as academic qualification for employment in the country, and in view of the great dearth of qualified teachers for Secondary Schools and Teachers Training Colleges; will the Government not consider, very seriously and urgently, the advisability of giving Senior Certificated Teachers, Old First class, or Higher Elementary Teachers, who may desire to teach or have been teaching in these two Departments, teachers training course at Achimota, Fourah Bay College or Ibadan up to intermediate stage to qualify them sufficiently for teaching in the Secondary Schools and Training Colleges in addition to Overseas training which involves long delay and much expenditure?

Answer_

The Hon. the Director of Education:

Twelve teachers of the kind mentioned are now attending a two year course of training at Ibadan under the direction of an Education Officer. It has not been possible to provide for a large number owing to the grave shortage of teachers. Meanwhile provision has been made in the Education Plan for a Secondary Teacher Training Centre. This Centre will derive its students mainly from those who have passed Intermediate Arts or Science at Yaba. Openings at Achimota and elsewhere are severely limited but we shall avail ourselves of all suitable opportunities that may occur.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

53. To ask the Honourable the Director of Medical Services :--

As there are only two Government Hospitals in the whole Ibibio Division, will he not consider some financial help for the Mission Hospitals in this area namely: Ituk Mban Methodist Mission Hospitals, Anua R.C.M. Hospital, Itu Church of Scotland Mission Hospital and the Qua Ibo Mission Hospital at Etinan? or as an alternative, would a statement be now made by him as to his future proposals in the development plans? If not, why not?

Answer-

The Hon. the Director of Medical Services:

It is not the policy of Government to give recurrent grants for the maintenance of Mission Hospitals; nor is it intended to make capital grants except in special circumstances, and then only provided the Mission can give an assurance that from its own resources it will be able to provide for the increased recurrent expenditure involved by the expansion of services contemplated.

Development proposals for Calabar Province include the provision of new hospitals at Eket, Aro-Chuku, Oket Okoro and Yigha.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

54. To ask the Honourable the Director of Medical Services :--

Will Government see to the provision of a Specialist, an improved type of X Ray and up to date instruments in the African Hospital, Calabar, for dealing with cases from the interior?

Answer-

The Hon. the Director of Medical Services :

The Medical Development Plan if accepted allows for all Provincial Headquarters Hospitals being provided with X Ray plant, and additional Specialists who will be placed in busy hospitals which justify their posting, one of which will doubtless be Calabar.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

55. To ask the Honourable the Director of Education :--

What help, so far, does Government intend to give to the proposed Ibibio State College to be run by two Ibibio sons who have recently returned from Overseas?

Answer-

The Hon. the Director of Education:

If the proposed Ibibio State College comes into existence, and conforms to the Department's standards of efficiency, it will become eligible for a grant from Government.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 58. To ask: —

Now that the war is over, will Government not make it compulsory that Government Officials, European and African retire at the age of 55 whether the Officer is indispensable or not thereby giving deserving youths an opportunity of proving their mettle?

Answer-

The Hon. the Chief Secretary to the Government :

The age of compulsory retirement for both European and African officers is laid down in the Laws of Nigeria as fifty-five, though there is provision for the retention of an officer in the service after he has attained that age in exceptional cases only and with the consent of the Secretary of State. During the war years it has been necessary to call upon several officers to continue to serve after they might normally have hoped to enjoy retirement, but with the conclusion of hostilities and the consequent improvement in the prospects of recruiting adequate new staff it will be the general policy of Government to call upon officers to retire at the age of compulsory retirement. Government, however, will reserve to itself the right in exceptional cases to seek the authority of the Secretary of State to retain the services of officers after they have reached the age of fifty-five, if such a course is considered to be in the public interest.

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The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 59. To ask Government:

Jo. 10 ask Government:---

(a) When last were the accounts of the Native Administrations in the country audited?

(b) Will Government endeavour to enlarge the Audit Department so that this important job can now be undertaken?

Answer_

The Hon. the Chief Secretary to the Government :

(a) In the Northern Provinces the audit is up to date; in the West and the East it has not been possible to carry out an audit since 1942.

(b) Every possible step is being taken to this end.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

61. To ask Government: Whether Government has made any investigation :---

(a) About the proposed Water Supply for Ikot-Ekpene?

(b) Whether a site has been selected and an Entomological survey made?

(c) If so, the proposed site, the extent of the site?

(d) What amount of water could be had and would it be adequate to supply the Government Station, Mission Hospital and the Native Town?

Answer_

The Hon. the Director of Public Works:

(a) A brief preliminary survey was made some years ago. No further work has been done as Ikot-Ekpene is 8th Priority on Urbau Water Supply list and there is no staff available except for immediate works.

(b) No.

(c) Does not arise.

(d) No reliable information is available.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

63. To ask Government: In view of the various Government Public Notices and Bills appearing in the Government Gazettes, from time to time, will Government promise to get these printed in the vernacular? or as an alternative could printed copies of such Bills and Notices not be cyclostyled and distributed to the various Councils free of cost?

Answer-

The Hon. the Chief Secretary to the Government:

The present shortage of staff precludes consideration of this proposal. Its merits are, however, appreciated and it will be considered in connection with the inauguration of Regional Councils, and in consultation with them.

In reply to the second part of the question, there is already a number of Native Authorities who subscribe to the official Gazette. It is not considered that a free distribution of the Gazette to all Native Authorities would be justified.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 64. To ask Government: —

(a) How soon will the Uyo Post Office Building project be started?

(b) Does Government intend to build a new Post Office at Abak If so, when?

Answer_

The Hon. the Director of Public Works:

(a) The Uyo Post Office is being planned and it is expected that work will be put in hand shortly.

(b) The Post Office at Abak is in hand.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

65. To ask the Director of Medical Services,

(a) Whether it is a fact that African Officials of the Government pay 2s 6d per diem as in-patients, while the Non Government Teachers pay 3s 9d, per diem?

(b) If so, is this extra charge of 1s 3d per diem justifiable for a class of people whose public Service is of a high order, and whose salaries are in most cases far below those of the Government Officials?

(c) Will the Government not consider the advisability of reducing the fee for the Mission Teachers to the minimum rate of 2s 6d per diem seeing the great need for teachers in the country? Answer—

The Hon. the Director of Medical Services:

(a) The fee of 3s 9d per diem is chargeable to non-Government Officials whose incomes are estimated to be £100 per annum or more, but less than £200 per annum, when they ask for and receive special maintenance; otherwise the charge is 2s per diem in accordance with Regulations No. 24 of 1925 made under section 3 of the Hospital Fees Ordinance. Government Officials on a similar salary scale receive an appropriate reduction.

(b) Yes, Sir.

(c) No, Sir.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

66. To ask :---

(a) In the light of experience what statement can the Director of Medical Services give to this House of the present hours of duty obtained in many hospitals namely, 7 a.m. to 2 p.m.; 2 p.m. to 9 p.m. and 9 p.m. to 7 a.m.?

(b) If the change proves favourable will the Medical Department not adopt it as a standard of hours of duty throughout the whole country as a measure of fairplay to all nurses?

Answer_

The Hon. the Director of Medical Services:

(a) The three shift system is popular with the nurses where it can be arranged. It cannot however be applied to all individuals or in all hospitals for reasons connected with the services called for.

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(b) No, Sir. I cannot arrange to make the three shift standard throughout the country. Fairplay is assured by arranging that the total hours worked weekly or monthly by nurses correspond in so far as is practicable.

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

68. To ask: Will Government be good enough to consider award of overseas Scholarship for study of Fisheries to any deserving student from the Rivers Division?

Answer-

The Hon. the Chief Secretary to the Government :

It is not the policy of Government to provide scholarships for candidates from any single political division of the country. Scholarships, if provided, are available to applicants, according to merit, from any part of Nigeria.

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

74. To ask for how long have the Magisterial Areas in the Northern Provinces have been held by men not qualified either as Barristers or Solicitors since the enactment of the Protectorate Court Ordinance in 1933?

Answer_

The Hon. the Chief Secretary to the Government:

Since the enactment of the Protectorate Courts Ordinance, 1933, and until two years ago, there was only one magisterial area in the Northern Provinces, excluding the Provinces of Ilorin and Kabba. Four successive magistrates were posted there on different occasions; they were neither Barristers nor Solicitors but each had had long magisterial experience before being appointed to take charge of the area. There are now two magisterial districts in the Northern Provinces, one of which is in the charge of a qualified barrister.

As regards the Provinces of Ilorin and Kabba, Ilorin Province has since 1934, been included in the Ibadan magisterial district, which has always been in the charge of a qualified Barrister.

Kabba Province was included in the Benin magisterial district from 1934-1938 and in the Warri magisterial district from 1938-1942 and again in the Benin magisterial district from December, 1942 up till now. Each of these areas has always been in the charge of a qualified Barrister.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo):

82. (a) Whether Government will give consideration to the question of making the river Ogun navigable to a point near Abeokuta town?

(b) Whether the clearing of that waterway above Lafenwa or near the Power House would not help create a permanent dam in . the interest of the water supply?

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I suggest, Sir, that there we have a beacon to guide us all in our work of development here in Nigeria. We must be united officials and non-officials, all sections of the community, all races united in our determination to build a better Nigeria. United we shall succeed; divided we shall fail. We cannot be united unless we have confidence in each other. Let us not, as some would have us do, look for the worst in each other and fasten upon that. Let us rather look for the best in each other and appreciate that.

There is much more, Sir, that could be said on this Motion, many more acknowledgments which could be made, acknowledgments to our own men from Nigeria who have served in the Armed Forces, acknowledgments to the civilian population for the great efforts which they have made in the common cause, efforts of which they may justly be proud—in fact in total war the efforts of every single citizen count. But what we must remember I think, Sir, is that all these other efforts would have been of no avail had it not been for the valour, the courage, the bravery and the endurance of the Navy, the Army, the Air Force and the Merchant Marine.

Sir, I beg to move.

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

Your Excellency, I beg to second the resolution that has been so well and eloquently proposed by the Honourable the Chief Secretary to the Government, in appreciation of the valour, bravery, endurance and sacrifice of the Armed Forces of the Empire, and on behalf of the two wings of this House I whole-heartedly associate myself with, and endorse all the good things and favourable sentiments expressed.

I feel, Sir, that I cannot add to what has been said, and I would not like to repeat all that has been said, except to say that I agree entirely with all the good things enumerated by the mover of this motion. Words are inadequate to express our gratitude and to pay tribute to the stupendous and supreme sacrifice which the members of every rank of the armed forces of the Empire have gone through in order to secure our civilisation, in order to bring back peace, and in order to allow the world to survive. It is superfluous, Sir, to talk of the casualties sustained to personnel, furniture and property during this war, and it is known that this war has been the greatest war under the sun since the creation of the world. And we feel, Sir, that we should be prepared on our part to cooperate with the powers that be in order to contribute our utmost for the maintenance of world peace and cementing the world's harmony. We shall also endeavour, Sir, to propagate more and more sincerity and unselfishness so that the progress and prosperity of the world may be maintained. I wish to say, Sir, that minus sincerity and unselfishness the world will still run into chaos, but on our own part we pledge to give the best in us, we pledge ourselves to co-operate as much as we can in order to enhance the peace of the world which is very wanting. Your Excellency, we

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look forward to more co-operation and collaboration between the two wings of this House in order that our goal might be achieved. And we solicit also public sympathy and public co-operation in order that we might succeed. We are deeply sensible of all that the fighting men have done for us during the war. Comparably we were absolutely in a calm when we compare Africa and the theatres of war, and we owe all that calmness and tranquillity to the endurance, courage, bravery of those men who stood between us and death.

As I said at the beginning, words are inadequate to express our gratitude, and we can only pay them tribute by co-operating with the powers that be in order to maintain the peace they have so well fought for and achieved.

I thank Your Excellency, and with these few words I second the resolution.

Motion adopted.

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STATEMENT

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

With Your Excellency's permission I should like to make a statement.

It was originally intended that the Development Plan would be circulated to Members of this House about the beginning of November. Unfortunately, prolonged discussion with the Secretary of State in regard to certain aspects of the Plan prevented that being done. Members were then informed that the Plan was to be laid on the Table of this House to-day. Again there has been a further delay because certain matters connected with the Plan the Secretary of State is unable to agree should be made public until Wednesday afternoon.

Consequently, the Plan will be forwarded to Members on Wednesday evening, and will be finally laid on the Table of the House on Thursday morning, when I shall move that it shall be referred to Select Committee. There are also three or four Bills which are directly, or largely, connected with the Development Plan, and the first reading of those Bills will also be deferred until Thursday morning.

BILLS

(First Readings)

THE NIGER LANDS TRANSFER (AMENDMENT No. 2) ORDINANCE, 1945 The Hon. the Attorney-General:

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

"An Ordinance to amend the Niger Lands Transfer Ordinance."

I do not think, Sir, in moving this that I can do better than read the very brief objects and reasons. Unfortunately when the Bill for the Niger Lands Transfer (Amendment) Ordinance, 1945, was before the Legislative Council last March it was not observed that a sentence which should not have appeared therein did so appear and also that the numbering of certain clauses was incorrect. Sir, I regret that I must take the responsibility for this Council being troubled to-day with this amending Bill as those are errors which I should have seen when the Bill was before Council last time, but unfortunately they slipped through. This Bill now before the Council is intended simply to delete a sentence which should not have appeared in the law and also to renumber two sections.

Sir, I beg to move.

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The Hon. G. L. Howe (Solicitor-General):

Your Excellency, I beg to second.

Bill read a first time.

THE AGRICULTURE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Agriculture Ordinance, 1926."

Section 2 of the Agriculture Ordinance, 1926, enables rules to be made, "regulations" rather to be made, by the Governor in Council in respect of the many matters relating to the control, the preparation, the grading, and generally in respect of matters connected with the preserving of the quality of our agricultural produce for export. Naturally in those Regulations there are provisions which state the penalties accorded if people break them, and in some of them provision also as to how those persons should be brought before the Courts. There is also provision in those Regulations for certain officers of the Department receiving a certain portion of the fees paid for their over-time, and doubts have been expressed as to whether the subsidiary law-making authority in the Ordinance itself is sufficiently wide to cover those two particular matters.

This Bill now before Council makes it quite clear that provision may be made as to how these cases should be brought before the Courts and also the fact that in the Regulations it may be stated how fees are to be disposed of. That will mean that as far as the latter are concerned, those officers and inspectors of the Agriculture Department who have been receiving over-time fees can continue to receive them under the Regulations without fear of being called upon to make a refund. There are, under that Ordinance, Sir, a matter of, I think, fifty-six complete sets of Regulations and it would be a tremendous and unnecessary labour if all those Regulations, at any rate those affected in either of these particular ways, had got to be re-enacted, and for that reason

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clause 3 in the Bill is provided, this validates them, and will, therefore, avoid their having to be re-enacted in these two particular respects.

Sir, I beg to move.

The Hon. the Director of Agriculture:

I beg to second.

Bill read a first time.

THE LEGAL PRACTITIONERS (AMENDMENT No. 2) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Legal Practitioners Ordinance, 1933."

Sir, Honourable Members will remember that this year we passed an Ordinance in this Council amending the Legal Practitioners Ordinance, 1933, to provide machinery under which legal practitioners who had been suspended could approach the Court and have the periods of their suspension reduced or the suspension itself actually set aside. But that amending Ordinance refers only to those persons who are dealt with under the Ordinance of 1933. There are certain members of the legal profession who were dealt with under the old Supreme Court procedure before the 1st April, 1934, when the 1933 Ordinance came in force. It is felt, Sir, that those particular persons, if there is merit in their cases, should be entitled to approach the Court for reinstatement if the Court thinks proper. Further, there was no specific provision for setting aside an Order once made, and it is thought right that where an Order has been made and is varied to such an extent subsequently that it may in effect cease to exist, there should be provision for setting that Order aside altogether and expunging it from the records of the Court, from the Roll kept in the Supreme Court. This amending Bill now before the Council achieves those objects, and I should like to commend it to the sympathy of this Council.

Sir, I beg to move.

The Hon. G. L. Howe (Solicitor-General) :

I beg to second.

Bill read a first time.

The Hon. the Attorney-General:

I beg to give notice that the three Bills which have been read a first time this day will be read a second time and carried through to completion at a subsequent meeting of this Council.

THE 1943-44 FURTHER SUPPLEMENTARY APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary:

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

"An Ordinance to make supplementary provision for the service of the Colony and Protectorate of Nigeria for the year ending the thirty first day of March, one thousand nine hundred and forty-four."

This is a formal measure not without its amusing side. The diligence of Audit has discovered that the sum of £3 15s 3d expended in the year 1943-44 is not covered by Legislative sanction, and this Bill, when enacted, will provide the necessary sanction. The mistake arose from an injudicious method of rounding off the figures of expenditure and a similar mistake will be avoided in future.

Sir, I beg to move.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

I beg to second.

Bill read a first time.

THE POLICE (CLERICAL STAFF PENSIONS—AMENDMENT) Ordinance, 1945

The Hon. the Financial Secretary:

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

"An Ordinance to amend the Police Ordinance, 1942."

As a result of a decision of Government that clerks in the Police Department should be members of the Police Force, it has become necessary to conserve the pension rights under the Non-European Officers Pensions Ordinance of those officers formerly in the Nigerian Government Clerical Service who have elected under that decision to be transferred to the Police Force. This Bill is intended to achieve that object.

The Hon. E. A. Miller (Commissioner of Labour) :

Sir, I beg to second.

Bill read a first time.

THE LAGOS EXECUTIVE DEVELOPMENT BOARD (CLERKS, TECHNICAL STAFF AND MESSENGERS-DECLARATION OF STATUS) ORDINANCE, 1945

The Hon. the Financial Secretary :

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

"An Ordinance to declare the status of the Non-European Staff of the Lagos Executive Development Board in respect to certain Legislation affecting Provident Fund and Pensions."

Council Debates

The unusually long preamble to this Bill constitutes a complete and lucid account of the circumstances in which this legislation has become necessary. The effect of the Bill when enacted will be to place the staff of the Board for the purposes of legislation relating to Provident Funds and Non-European Officers' pensions in the same position as their counterparts in Government Service. The resulting financial liability will be met from the funds of the Lagos Executive Development Board.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

I beg to second.

Bill read a first time.

The Hon. the Financial Secretary :

Sir, I beg to give notice that these three Bills will be presented for second and third readings and for enactment at later meetings this week.

THE PHARMACY (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Medical Services:

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

"An Ordinance to amend the Pharmacy Ordinance, 1945."

Sir, the objects and reasons for this Bill are quite clearly stated, and there is nothing for me to add to these except to say that shortly the amending Bill is to facilitate the commercial dealing and sale in poisons which are used for industrial and trade purposes.

The other important point in the amending Bill is to enable that simple remedies and drugs which are in common household use, used by all sorts of persons for their self-treatment, should still be available for sale in stores throughout the country which are not under the care of a qualified dispenser.

Sir, I beg to move.

The Hon. G. L. Howe (Solicitor-General):

I beg to second.

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Bill read a first time.

THE DESTRUCTION OF MOSQUITOES (AMENDMENT) ORDINANCE, 1945 The Hon. the Director of Medical Services:

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

"An Ordinance to amend the Destruction of Mosquitoes Ordinance, 1945 ".

This Bill, Sir, is to remedy two important defects in the Bill which was passed at the last Session. They are, firstly, to enable inspectors entering into premises and finding mosquitoes and larvae there to proceed with their destruction without going through the procedure of serving written notices and leaving these measures to be taken by the owners or occupiers. The amending Bill allows for the destruction of these disease-carrying insects immediately they are found by the inspectors.

The second object of the Bill is to remedy an omission whereby the owner on whom duties are laid to prevent mosquito breeding and who had neglected these duties being liable to prosecution under the Ordinance.

For these reasons the amendment to section 8 of the Ordinance . is included in this Bill.

Sir, I beg to move.

The Hon. the Senior Resident, Warri Province:

I beg to second.

Bill read a first time.

The Hon. the Director of Medical Services:

Sir, I rise to give notice that these two Bills will be brought forward for second reading in the course of this week.

THE CUSTOMS (MISCELLANEOUS AMENDMENTS) ORDINANCE, 1945

The Hon. the Comptroller of Customs and Excise:

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

"An Ordinance to amend the Customs Ordinance, 1942 ".

Honourable Members will probably remember that a new Customs Ordinance was placed in the Statute Book in 1942, but it has not yet been brought into force. Now that hostilities have ceased and commercial practice is gradually returning to normal, I propose to ask Your Excellency to be pleased to introduce the new law in the near future. In the meantime certain minor amendments to the Ordinance are required and this Bill is designed to give effect to these amendments.

Clause 2 of the Bill affects section 11 of the principal Ordinance. Section 11, Sir, gives your Excellency in Council power to increase, reduce, or impose new duties of customs but unfortunately you have not the power to add any goods to the Free List. The one power without the other leads to considerable inconvenience as if Your Excellency wishes to remove the duty on a specific rated item, then unless Your Excellency has the power to add it to the Free List the goods, instead of becoming free, become liable to an *ad valorem* duty of $16\frac{2}{3}$ per cent under the remainder item No. 30 in Part 1 of the First Schedule. This amending clause, Sir, will remedy the obvious defect. ec. 10, 1945]

Council Debates

Clause 3 affects section 262 of the Ordinance. This section is the one under which Your Excellency in Council can prescribe regulations. As Honourable Members probably know, the frontier, or preventive service, is at present operated jointly by the Police and the Department of Customs and Excise. On the 1st April next year, the control will be taken over completely by my Department. Now, Sir, that necessitates the preparation of regulations governing the formation of the new service and laying down the conditions of service in the new force. Section 262 as it stands is very comprehensive, but there is just a doubt as to whether it is sufficiently comprehensive for these regulations to be framed under it. This amendment will remove any doubt on the point.

Clause 4 of the Bill introduces new First, Second and Third Schedules to the principal Ordinance. Since the 1942 Ordinance was passed the Customs Tariff Ordinance, 1941, has been altered from time to time, and the purpose of the new Schedules is merely to bring the law and the new Ordinance, when it comes into force, up to date. There are two minor changes to which I should like to draw the attention of Honourable Members.

The first is the change in sub-item (3) of item 25 in Part I of the First Schedule. At the moment spirituous perfumes are liable to an alternative *ad valorem* rate of duty of 50 per cent. Now under item 21 cheap, non-spirituous perfumes are liable to a 66_3^2 per cent *ad valorem* duty. I think Honourable Members will agree that it is rather absurd that a cheap, non-spirituous perfume should pay 66_3^2 per cent *ad valorem* duty and an expensive, luxury item should pay only 50 per cent. It is proposed, therefore, to bring the two items into line and make them both subject to an *ad valorem* duty of 66_3^2 per cent.

The second item to which I should like to draw attention, Sir, is item 30 in Part III of the First Schedule, that is to say the Free List. It is proposed to add a new sub-item allowing mining and dredging machinery, including spare parts and accessories, to be admitted free of duty. This is on the principle, the accepted principle I might say, that it is illogical, and, in fact, almost inequitable, to tax a means of production. If a tax has to be imposed, then the obvious and sensible way is to tax results.

Clause 5 of the Bill, Sir, refers to the Second Schedule to the Bill in which fifteen minor amendments to the Ordinance have been grouped together for convenience. The majority of these amendments, Sir, are merely corrections of typographical errors, or tend to clarify the text, and really do not affect the substantive law at all. The proposed amendment to section 121 is the only important one. At the moment when goods liable to export duty are exported as the law stands the onus is on the master or agent of the exporting ship to enter into a bond to secure the payment of duty. Now, Sir, this is a most unfair burden to place on the master or his agent: the burden should be placed on the exporter who is responsible for the payment of duty.

In conclusion, Sir, I propose, at the appropriate stage, to move several amendments to the Bill. Particulars of these amendments have been printed and laid on the Table this morning for the information of Honourable Members. I should merely like to add that I do not propose to proceed with the fourth amendment in the First Schedule at the present meeting—that is the amendment dealing with implements and tools for mining.

Your Excellency, I beg to move.

The Hon. the Resident, Onitsha Province:

I beg to second.

Bill read a first time.

The Hon. the Comptroller of Customs and Excise:

Sir, I beg to give notice that I will move the second reading of the Bill just read a first time at a subsequent meeting of the Council.

THE LAGOS TOWNSHIP (ADDITIONAL RATES—AMENDMENT) Ordinance, 1945

The Hon. E. A. Carr (Commissioner of the Colony):

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

"An Ordinance to enable the Lagos Town Council to levy an additional rate as and when exceptional and unforeseen circumstances render it essential."

Under section 29 (1) of the Lagos Township Ordinance, 1941, as it now exists, powers are granted to the Town Council to levy a rate half-yearly in advance to meet charges and expenditure in respect of that particular half-yearly period. Extra revenue is now required to meet the cost of the award of increased cost of living allowances for the period 1st October, 1945 to 31st March, 1946. Sir, the revenue produced by this rate is insufficient, as this commitment could not have been foreseen at the time the rate was fixed. It is likely that similar occasions will arise in future and this proposed legislation is designed to enable the Council to raise the necessary revenue by levying an additional rate, when the necessity arises in unforeseen circumstances and not to have to obtain the enactment of special legislation on each such occasion.

Sir, I beg to move.

The Hon. the Senior Resident, Adamawa Province:

Sir, I beg to second.

Bill read a first time.

Council Debates

The Hon. E. A. Carr (Commissioner of the Colony):

Sir, I beg to give notice that I shall move the second reading of the Bill just read a first time, at a subsequent meeting of the Council.

THE TOWNSHIPS (AMENDMENT No. 2) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Townships Ordinance".

Section 38 of the Townships Ordinance, Sir, sets out the different sources of revenue of different townships. Paragraph (d) refers to grants in aid from Government, but attached to that paragraph there are two provisoes, one to the effect that if any money voted is not used within the current year it has to be returned to general revenue, and the other that no money granted for a specific purpose can be used for any other purpose without permission of the Governor in Council.

With a view to simplification of accounting between Government and Townships, Sir, it is proposed that there should be a lump sum grant in aid and not a series of specific grants in aid. That being so, it is obvious that these two provisoes stand in the way of such a proposal, and therefore it is recommended that they be deleted.

Clauses 2, 3 and 5 all refer to the representation of Local Authorities in the Courts and the clauses are in very similar terms because they are intended to achieve the same result in respect of the three different classes of Townships, first, second and third. As the legislation affecting these second classes of townships is in different parts of the Townships Ordinance it will be necessary for us to amend that Ordinance in three different cases. In connection with this, Sir, it might not be out of place to remind Members that when moving the Civil Procedure Ordinance last March I pointed out that I hoped it would make a difference to the procedure in our courts and that we would get things on a proper footing. This Bill is the humorous result of that wish coming true. In one of the courts in Lagos a magistrate objected to a Sanitary Inspector appearing to represent a Medical Officer of Health in a particular case. He very rightly said that the Medical Officer must come himself or be represented by a legal practitioner or someone authorised by the Attorney-General. That, however, was got over by some other means. But then we came to another court in Lagos. Another magistrate said "I don't believe in that ". So you have got these divergent views in the same place. The result was we had to use another Ordinance also enacted last March and get the Supreme Court to move a mandamus on the latter magistrate. This Bill will settle once and for all that a local authority, apart from being represented in court by the normal

method, can be represented by a person authorised by it, the employer.

Sir, I beg to move.

His Honour the Chief Commissioner, Eastern Provinces:

Sir, I beg to second.

Bill read a first time.

His Excellency:

Gentlemen, as that concludes the business on our Agenda I propose, if that meets with your wishes, to adjourn this Council until tomorrow morning. I also propose that we should sit tomorrow morning and not in the afternoon, and on Wednesday morning. It is probable that we shall be able to finish the work on our Agenda on Wednesday morning with the exception of the Development resolution and the Bills which are contingent on that. I am very sorry indeed that there has been this postponement of the Development resolution, but Honourable Members will fully understand that that was a decision which did not rest with anybody in this country. If that is agreeable to you, Gentlemen, Council will now adjourn until 10 o'clock tomorrow morning.

Council adjourned at 12.10 p.m. until 10 a.m. on Tuesday the 11th of December.

Debates in the Legislative Council of Nigeria Tuesday, 11th December, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 11th of December, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G. The Chief Secretary to the Government,

The Honourable G. Beresford Stooke, C.M.G.

The Chief Commissioner, Western Provinces, His Honour Sir Gerald C. Whiteley, C.M.G.

The Chief Commissioner, Eastern Provinces,

His Honour F. B. Carr, C.M.G.

The Attorney-General,

The Honourable H. C. F. Cox, K.C.

The Financial Secretary, The Honourable S. Phillipson.

The Director of Medical Services,

Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.

The Acting Director of Education,

The Honourable T. H. Baldwin.

The Acting Director of Marine,

Commander the Honourable S. H. Butler, R.D., R.N.R.

The Comptroller of Customs and Excise,

The Honourable J. McLagan, O.B.E. The Senior Resident, Warri Province,

Major the Honourable R. L. Bowen, M.C.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.

The General Manager of the Railway,

The Honourable A. J. F. Bunning.

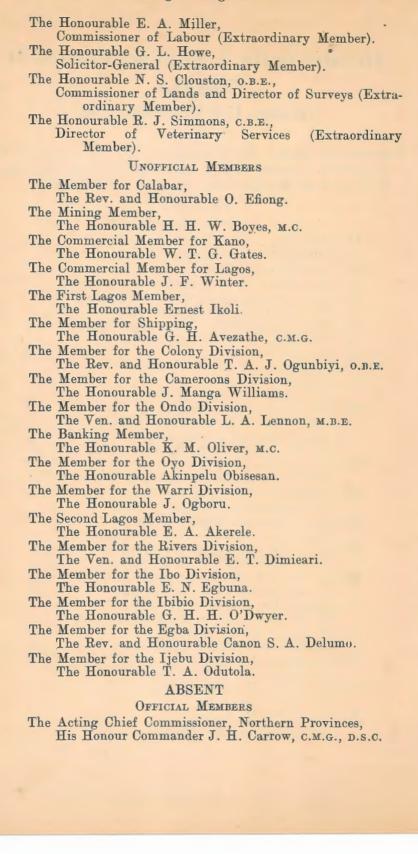
The Director of Public Works. The Honourable H. E. Walker, C.B.E.

The Director of Agriculture,

The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G., Development Secretary.

The Honourable E. A. Carr, Commissioner of the Colony.



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The Deputy Chief Secretary to the Government, The Honourable T. Hoskyns-Abrahall, C.M.G.

The Senior Resident, Plateau Province, The Honourable F. M. Noad.

The Resident, Ilorin Province,

Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province,

Captain the Honourable H. H. Wilkinson.

The Resident, Abeokuta Province,

The Honourable E. N. Mylius.

The Resident, Cameroons Province, The Honourable R. J. Hook, D.F.C.

The Resident, Kabba Province,

Captain the Honourable R. M. Downes, M.C.

The Honourable W. B. Dare,

Commissioner of Income Tax (Extraordinary Member). UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt (Provisional), The Honourable C. Paris-Jones.

The Third Lagos Member,

Vacant.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 10th of December, 1945, having been printed and circulated to the Honourable Members were taken as read and confirmed.

PAPERS LAID

The Hon. the Chief Secretary to the Government :

Sir, I beg to lay the following papers on the table :--

Sessional Paper No. 22-Report on the Audit of the accounts of Nigeria for the year ended 31st March, 1944.

Sessional Paper No. 23-The accounts of Quasi-Commercial Undertakings operated by Government by means of Bank current accounts which were opened with advances of working Capital.

Sessional Paper No. 25-Annual Reports for the Northern. Western and Eastern Provinces and the Colony, 1944.

Certificate of Urgency in respect of the Bill for an Ordinance to amend the Recovery of Premises Ordinance, 1945.

QUESTIONS

NOTE.-Replies to Questions No. 3 by the Honourable the Member for the Colony Division, No. 13 by the Honourable the Second Lagos Member, Nos. 46-49, 51, 52 and 56 by the Honourable the Member for the Ibibio Division, No. 60 by the Honourable the Member for Calabar Division, No. 62 by the Honourable the Member for the Ibibio Division, Nos. 67, 69 and 70 by the Honourable the Member for the Rivers Division, Nos. 71-73, 75-80 by the Honourable the Member for the Colony Division, Nos. 81 and 84 by the Honourable the Member for the Egba Division, Nos. 85-94 by the Honourable the Member for Calabar Division, Nos. 95 and 96 by the Honourable the Member for the Ijebu Division, Nos. 97-102 by the Honourable the Member for Calabar Division, Nos. 103-105 by the Honourable the Member for the Ijebu Division, Nos. 107 and 109 by the Honourable the Member for the Cameroons Division, No. 110 by the Honourable the Member for the Ijebu Division are not yet ready.

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

17. To ask why Public Works Department should cause votes for the following works to be passed by the Finance Committee of the Legislative Council when it was aware that they will not be done:—

(a) Maternity Hall in Lagos to replace the out of date Massey Hall Theatre of operation?

(b) The Lagos Ikorodu road?

(c) Administrator-General's Offices?

Answer-

The Hon. the Director of Public Works:

At the time when provision was sought for the works mentioned there was every prospect of substantial progress being made in them.

(a) It has not yet been possible to complete the plans for the new Maternity Hospital owing to other more urgently required works having priority. It is hoped, however, that it will be possible to start work and make some progress before the end of the year.

(b) Provision for Lagos-Ikorodu road has been made under Road Development. Work on survey and bridge site investigations is in hand and it is expected that rapid progress will be made when additional staff becomes available. The Land and Survey Department is proceeding with the acquisition of land.

(c) Preparation of the plans for the office for Administrator-General has had to await completion of plans for more urgent works.

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

18. To ask :---

(a) Who is responsible for the upkeep of the roads between Agbor and Warri, Warri and Sapele Native Administration or Nigerian Government?

(b) Who are in charge of the repairs to the roads in those places and other parts of the Eastern Provinces in Benin-Warri-Asaba areas? European or African Overseers?

(c) Is Government aware that the roads between Ifon and Benin City, Agbor and Warri, Agbor and Sapele, are treacherous to travellers by cars particularly during rainy season and require greater attention from the hands employed to look after them? Answer-

The Hon. the Director of Public Works:

(a) The Agbor-Warri road is maintained for the greater part of its length by Government; some twenty miles are, however, the responsibility of the Native Administration, for which it receives assistance from Government.

(b) The Provincial Engineers at Benin and Warri are responsible for the standard of maintenance but the road labourers work under the immediate direction of African overseers. There are no European overseers.

(c) It is not considered that these roads are treacherous if motor vehicles are driven at reasonable speeds. The routes mentioned are scheduled for improvement in the Road Development Programme which forms a part of the Development Programme.

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

31. (a) Will Government edify the minds of Nigerian public by propaganda or publication re its Fisheries Scheme?

(b) Is a college going to be established in connection with it?

(c) Is it a fact that an American Missionary has been allowed in the Northern Provinces to start fisheries trade and given a contract to supply a Government Department with certain quantity of fish at regular intervals?

Answer-

The Hon. the Chief Secretary to the Government:

(a) Full details of the Fisheries Development Scheme will be found in the Ten-Year Plan for Development and Welfare for Nigeria to be laid on the Table of Council shortly.

(b) As a part of the Scheme it is proposed to establish a Fisheries School at Lagos to provide a limited number of pupils with training.

(c) No, but a citizen of Sweden has been granted a Certificate of Occupancy, for the period of one year, to a plot of land one acre in extent in the Province of Sokoto to test the possibilities of developing the trade in fish. As far as Government is aware no contract for the supply of fish has been entered into with him by any Government Department.

The Member for the Ondo Division (The Ven. & Hon. L. A. Lennon, O.B.E.):

35. To ask the Honourable the Director of Public Works :---

(a) How soon will the new Lagos-Ijebu road be ready for traffic?

(b) And what are the prospects of that road being continued into the Ondo Province to give a shorter route to Lagos?

(c) If the Public Works Department would consider an early taking over of the Ara-Ado-Ekiti-Ikare Native Administration Road and make this important road better trafficable and to extend same to Ibillo in Kukuruku: this being the shortest commercial route for Lokoja and Kukuruku to Oshogbo and Ibadan?

(d) To consider urgently the short link road from Sabongida Ora to join the Benin-Oshogbo road and so relieve a long-left need of the progressive Ora people? Answer_

The Hon. the Director of Public Works:

(a) It is not possible to forecast the date, which depends upon the availability of staff and material to complete the 900 feet of bridging required.

(b) The extension of this road through the Ondo Province to Benin is provided for in the general programme of road construction.

(c) It is not considered that the taking over by Government of the Ara-Ado-Ekiti-Ikare road is necessary or justified. The construction of the Imeri-Idogun road is provided for in the Road Development Programme. The desirability of extending this road to Ibillo in Kukuruku will doubtless be considered by the Western Provinces Area Development Committee.

(d) A survey of this route is now being carried out and it may be possible to start construction during this financial year.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

41. To ask:---

(a) Since for security reasons the publication of the Annual Trade Report of the country and the Nigeria Trade Summary had been discontinued, is it now possible to lay printed copies of the volumes on the table of this Honourable Council for the period publication ceased, to date?

(b) If not, why not?

Answer-

The Hon. the Financial Secretary:

Only a very limited number were printed and there are no spare copies now available. A single set of copies is in the Financial Secretary's library and any Honourable Member desiring to refer to the Reports and Summaries may do so by arrangement.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

57. To ask the Honourable the Director of Public Works :-

(a) Re Technical and/or Engineering Assistants, why is the Public Works Department School Syllabus not raised to train students to become Engineers?

(b) Referring to his predecessor's promises in his answer (d) to Question No. 21 by the Honourable the Second Lagos Member (Dr C. C. Adeniyi Jones), page 39 Legislative Council Debates, March 22nd, 1937, and also favourable comments in the Honourable Director's Annual reports from that date onwards.

(c) What have been the duties of these Officers?

(d) What accelerated promotions and prospects have there been?

(e) Is it a fact that most of these men have been performing duties normally undertaken by European Inspectors and Engineers?

(f) In view of the nature of their work and the part these men may play in the development programme of the country, will the Honourable the Director not try to encourage them by putting them on a scale similar to the Marine Department?

(g) Is it a fact that some of their colleagues in the Marine Department are on salary scale $\pm 300-\pm 630$?

(h) How many scholarships have been awarded to enable brilliant members of the Technical Staff of the Public Works Department to proceed to the United Kingdom or elsewhere for Engineering Schools? or in the absence of vacancies in the Engineering Schools, could they not be sent to a firm of Contractors or borough Councils as is done by the Railway?

(i) Would such experience gained not enable them to do the work of Engineers, or Inspectors, instead of importing European Inspectors?

(j) In view of the fact that Students of the Technical School have courses lasting six months annually in Lagos, is it not expedient to provide a Hostel for these youths leaving home for the first time and in a strange country where the Housing problem is so acute?

(k) Would the Honourable the Director of Public Works Department consider the advisability of providing proper Medical treatment, Camp Equipment and Bush allowance to these men whenever they are stationed on the out-posts of the country living under very trying conditions?

Answer-

The Hon. the Director of Public Works:

(a) The full training of engineers requires a specialised staff and special facilities, neither of which are available in the Public Works Department. The academic training can only be satisfactorily undertaken by a University.

(c) The Technical Staff assist the professional engineers in investigations, preparation of schemes, designs and supervision of engineering works.

(d) Officers who show special ability and industry may be promoted to Grade II, the minimum salary of which is £80 per annum, after four years service, subject to their passing a qualifying examination. To proceed to Grade II by normal stages would take 5 years. Five officers received this accelerated promotion during 1944, two during 1940, and one during 1939. During the current financial year eight officers received accelerated promotion from Grade II to Grade I. Officers of outstanding ability may be promoted to the Engineer Grade (locally trained). Three officers received such promotion in 1943.

(e) Only to the extent of relieving the European Staff of many of their routine and minor duties.

(f) The salary scales in the Marine and Public Works Departments are the same for Technical Staff and are comparable with those of similarly qualified Officers in other Departments.

(g) No. Sir.

(h) One member of the Junior Technical Staff is at present in the United Kingdom holding a Government Scholarship and studying engineering. The question of practical training in the United Kingdom is receiving consideration.

(i) Practical experience without academic training would not fit officers for the duties of European Engineers, nor would it give them the knowledge of trades expected of an Inspector of Works. (j) The matter has been under consideration for sometime but so far not only is there difficulty over suitable sites but there are a large number of works under construction or planned for the Lagos Area of equal or greater importance.

(k) The issue of camp equipment to African Officers on construction works is governed by G.O. 458. Medical attention is provided in the same way as for all other Government officers. Bush allowance is not payable under Government regulations to this class of officers.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo):

83. In view of the fact that the people of Egbaland are mostly farmers, will Government consider encouraging agricultural pursuits amongst them by giving instructions in different branches of agriculture, such as poultry farming, cattle rearing, etc., and by giving assistance to farmers to obtain Rice Hulling machines?

Answer-

The Hon. the Director of Agriculture:

Arrangements already exist for farmers in Egbaland who require guidance or advice to obtain it from the Agricultural Officer, Abeokuta, on application. This includes advice on all aspects of farming. Government has under consideration plans for providing assistance to suitable farmers who wish to buy and operate rice mills.

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

106. To ask the Honourable the Chief Secretary to the Government whether the Cameroons will remain a mandated territory or become a Protectorate?

Answer_

The Hon. the Chief Secretary to the Government:

This question is at present under consideration by His Majesty's Government in the United Kingdom.

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

108. To ask the Honourable the Director of Marine :---

(a) What steps have been taken towards the purchase of the vessel for the Victoria-Calabar service for which provision was made in 1945-46 Estimates?

(b) When may this service be expected to start?

Answer-

The Hon. the Director of Marine:

(a) The "Pathfinder" has been prepared for this service at a cost of $\pounds 1,500$. The purchase of a special vessel has been cancelled, at least for the present.

(b) No date can be given yet. Owing to the shortage of officers, particularly of Engineer Officers, we shall not be able to commence running this service until the required officers arrive from the United Kingdom.

Council Debates

BILLS

(First Readings.)

THE RECOVERY OF PREMISES (APPLICATION-AMENDMENT) Ordinance, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Recovery of Premises Ordinance, 1945."

This, Sir, is a Bill in respect of which the Chief Secretary has laid a certificate of urgency on the Table.

Your Excellency, the Recovery of Premises Ordinance, 1945, applies to the whole of Nigeria, but doubts have arisen as to the full effect which some provisions of that Ordinance may have upon native law and custom, and it is thought advisable that until those doubts are resolved provision should be made in the Bill by which Your Excellency, by Order-in-Council, can withdraw its application from certain parts of the country. As and when it is thought no longer necessary for these provisions to be withdrawn, they can, of course, be replaced. The Bill provides for that, Sir, and it also provides as to what is to happen to any proceedings which may be pending at the time when the Order-in-Council is made.

Sir, I beg to move.

The Hon. G. L. Howe (Solicitor-General):

Sir, I beg to second.

Bill read a first time.

THE MAGISTRATES' COURTS (NATIVE COURTS TRANSFER-Amendment) Ordinance, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943."

In section 19 of the Native Courts (Colony) Ordinance, 1937, there is provision that where a person in the Colony appears before a native court and desires to employ Counsel, he can have his case transferred from the Native Courts to a Magistrate's Court, and then if nothing happens or rather if no Counsel appears the case is automatically transferred back again to the Native Court.

Under section 41 of the Magistrates' Courts Ordinance, 1943, it is provided that a magistrate shall not, without leave of a Judge, transfer to a Native Court a case which has once been transferred out of a native court to a Magistrate's Court, and the section then goes on and refers to this particular Ordinance, the Native Courts (Colony) Ordinance, 1937. Doubts have arisen among the Magistrates as to the correct precedure, as to whether they have the right to transfer such a case back again, and some Magistrates have decided one way and some another.

The object of the amending Bill before Council now is to make the law quite clear, Sir, and to remove those doubts, to make it quite clear that the provisions of the Native Courts (Colony) Ordinance, 1937, still prevail.

Sir, I beg to move.

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a first time.

The Hon. the Attorney-General :

Your Excellency, I beg to give notice that I will move the second and third readings of these two Bills which have just been read a first time at a subsequent meeting of this Council.

THE CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE, 1945

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

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

"An Ordinance to amend the Co-operative Societies Ordinance, 1935 ".

There are four small amendments to the principal ordinance proposed in this Bill, the first one being to provide for each Cooperative Society, before it is registered, defining the objects for which it is being formed, and for those objects being approved by the Governor. It allows of the Governor delegating to the Registrar of Co-operative Societies a general form of approval for certain objects for Societies. The reason is that it is desirable that Societies should have their objects clearly defined so that they limit their activities to those objects, and do not get themselves involved in an unnecessary amount of trading by speculation, and therefore produce financial instability.

There is a particular reason why this amendment should now be done because, in connection with the Development Plan, a Bill will be placed before the House in the next day or two, to provide for a Nigeria Local Development Loan Board which, amongst other things, will be empowered to make loans to Co-operative Societies. It is very important naturally, if such loans are made, that there should be no risk of the Societies getting involved in transactions which are outside the purposes for which such loans are given.

The second amendment is section 8, which is merely contingent upon the amendment to section 7. The amendment to section 64 is in order to provide the Governor with power to make regulations regarding the duties and functions of the Registrar and for registering societies. This also is so that instructions may be given to the Registrar in connection with the operation of the Cocperative Societies.

The other amendment called for in section 4 of the Bill to amend section 28 of the principal Ordinance, arises because it has often

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happened that a Co-operative Society cannot pay a dividend, although it has surplus funds with which to pay that dividend, because of the delays in getting the accounts of the Society audited. This amendment provides for the Registrar approving an interim dividend. I might say it is intended that it should be the Registrar, or an Assistant Registrar, but an Assistant Registrar does not exist in law, although it is referred to in the "objects and reasons". Therefore it is intended in the Committee stage to move for the deletion of the words "or by a person approved by him in that behalf" at the end of section 4 of the Bill because the Governor has the necessary powers under section 3 of the principal Ordinance to apply the powers of the Registrar to an Assistant Registrar.

Sir, I beg to move.

The Hon. the Director of Agriculture:

Sir, I rise to second.

Bill read a first time.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

I beg to give notice that I will move the second and third readings of the Bill which has just been read a first time at a subsequent meeting of this Council.

THE SHIPPING AND NAVIGATION (CARRIAGE OF VALUABLE AND DANGEROUS GOODS-AMENDMENT) ORDINANCE, 1945

The Hon. the Acting Director of Marine :

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

"An Ordinance to amend the Shipping and Navigation Ordinance".

The objects and reasons are given at the foot of the Bill, and I have nothing to add to them.

Sir, I beg to move.

The Hon. the Attorney-General:

I beg to second.

Bill read a first time.

The Hon. the Acting Director of Marine :

Sir, I beg to give notice that I will move the second and third readings of the Bill which has just been read a first time at a subsequent meeting of this Council.

THE NATIVE AUTHORITY (CONTROL OF LANDS-AMENDMENT) ORDINANCE, 1945

His Honour the Chief Commissioner, Western Provinces:

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

"An Ordinance to amend the Native Authority Ordinance, 1943 ".

As is indicated in the Objects and Reasons, the purpose of this Bill is to enable Native Authorities by making rules to exercise

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control over the alienation of land, and of its use, and to provide for recording transactions in connection with land. The Nigerian, who is not alone in this respect, is extremely jealous of his land and is suspicious of any measure or proposal which affects his land. I should like to reassure any Honourable Member who has the slightest uneasiness on that score, that there is no need for alarm or suspicion at all in connection with the Bill which is now before the Honourable Council. It has always been the policy of this Government to treat with respect and to safeguard existing rights in land that have the sanction of native law and custom, and to protect them as far as possible from violent and destructive attack. This Bill in no way runs counter to that policy; in fact it marks a further step in implementing it.

There are two matters of principle involved in this Bill. Provision for the control of the alienation of land and of its use, and the recording of transactions in land. Let us examine for a moment the need for this measure of control. The development and progress which is taking place in every branch of the social and economic life of the country cannot be expected to leave land untouched. In fact, the impact of Western civilization and Western ideas regarding land tenure have, in the past twenty, thirty, or forty years, left their effect upon native custom, and have caused modifications in the customary system of land tenure. Peace, which has brought with it the building of roads, railways, permanent buildings, the planting of economic trees, and in some areas the shortage of farming land, has given to the land a value which it never before possessed, and in the last ten or twenty years dealings in land have been taking place which were unknown to native custom previously.

Modification of native custom in the course of time as the country develops and the standard of education improves is, of course, inevitable, and like any change is not in itself a bad thing. In fact, in many cases it is beneficial and very often necessary. But we must be ready to guard against the disadvantages and the undesirable consequences which abrupt and excessive changes may bring in their train.

Nigeria, is principally a farming country. It is desirable to allow and promote the fullest development of her natural resources for the benefit of the people, at the same time disturbing as little. as need be their traditional social system. As regards land tenure, we must be careful to prevent new ideas and modifications of native custom from introducing and encouraging such evils, for instance, as the system of absentee landlords, under which the people are bound eventually to be reduced to the position of serfs; or a system whereby the peasant farmer falls entirely into the hands of moneylenders, and loses, in consequence, all hope of improving his standard of life or agriculture; or such evils as speculation in land which creates an artificially increased value.

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An illustration of the general need for control may not be out of place. Enterprising individuals who are interested, for instance, in building schemes or in the cultivation on a large scale of economic crops and crops for local consumption, or who are interested in cattle breeding, will naturally require land to carry out their projects. That is only natural and unobjectionable. Such projects are worthy of encouragement, especially if they are of benefit to the general community. But we must remember that the interests of the community come first. Alienation of land especially to strangers must be viewed in the light of the interests of the general community. You do not want outsiders, or anyone else for that matter, to come along and acquire large tracts of land for one purpose or another, leaving insufficient land for the needs of the local inhabitants. The result would be disastrous. Nor do you want to put all your land under cocoa or rubber, leaving an insufficient area for the cultivation of food. The result would be equally disastrous. These results, however, are bound to follow unless some degree of rational control is exercised over the alienation and over the use to which land is put.

The second matter of principle to which I have referred is the vesting of these powers of control in the Native Authorities. This, again, is perfectly sound, and in my view, unassailable. Systems of land tenure vary in different parts of the country, but all of them have one feature in common. In every unit, whether it was large like the Emirates of the Northern Provinces, or the Obaships of the Western Provinces, or small like the families and kindreds of the Eastern Provinces, there was an authority to whom the local inhabitants had at least to report their occupation of new areas, and any changes of occupation. This authority had the duty of giving approval of allocation of land to strangers who might come along and wish to settle in that area and, in some cases members of the community also had to seek the approval of this authority before occupying new areas. These authorities, who still exercise such powers as I have described today-the Emirs, the Obas, the heads of the village or hamlet or family-these authorities are either themselves the Native Authorities, or are members of the bodies composing the Native Authorities. It is, therefore, no violation of native custom to vest powers of the kind proposed in the Native Authorities. Moreover, there is every advantage in doing so. The Native Authority is created by Statute, and all the powers Native Authorities exercise have legal sanction. Tcday, the powers in regard to land tenure have the authority of native custom alone, and in these modern and critical days that authority is being increasingly challenged. The Bill seeks to provide the necessary legal sanction for what is sound old custom. It is not. of course, the intention to freeze native custom: the Bill, indeed, is itself sufficiently elastic to permit a progressive policy in land tenure to be pursued.

One more point in regard to the vesting of these powers in the Native Authorities: as I have said before, systems of land tenure differ in different parts of the country. It seems to me that it is only common sense in such circumstances to entrust the administraticn of the rules and customs regarding land tenure to the people on the spot who, by tradition and custom, are the right people to undertake that responsibility and who by reason of their local knowledge and experience are best qualified and competent to do so.

Turning now to the specific provisions of the Bill, you will see the first sub-section provides for the control of the alienation of land. This applies both to strangers and to sons of the soil, and the object is not necessarily to prohibit the acquisition of land by either, but to regularize it and to regulate it, by the limitation, where necessary, of the area to be acquired. On the other hand it will be of benefit both to the strangers and to the sons of the soil alike to have the position clarified, and it will give them a greater degree of security of tenure than is often the case at present.

The second provision is for the control and use of communal and family land, with special reference to the cultivation thereof. The reasons for this provision I have already touched upon. It will permit and promote a balanced and reasoned plan of agricultural development, and it will also be of use in tackling the problems of soil conservation.

The third provision is for the control of mortgaging; the operative word here is "control.". It is not proposed to forbid mortgaging. The object of this provision is, of course, to prevent land passing into the hands of absentee landlords and of speculators, and to prevent farmers being deprived of their land through debt. Such abuses have cocurred, and in some areas are fairly widespread.

The fourth provision makes the purchaser in any sale subject to the approval of the Native Authority. There has been considerable abuse in the matter of sales in the past. Land has been bought up by speculators, and on occasion it has been found that the vendor of the land was not the *bona fide* owner. This provision will be useful to check such abuses.

The fifth provision deals with the recording and filing of documents relating to land transactions. There is a very great need of a provision of this kind for the registration of documents other than under the Lands Registration Ordinance, 1924, which, as far as the Protectorate is concerned, is of very limited application. Recording and filing of documents will not, of course, in itself convey title, but it will have the result of avoiding a great deal of the confusion that has appeared in the past and is increasing, and it will add considerably to the security of tenure.

The sixth provision allows the regulation and control of the size of the holding of both family and communal land. As I have mentioned before, it is most undesirable to permit the accumulation under one owner of excessive areas of land, and it is equally undesirable to permit undue fragmentation of land.

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The seventh provision permits and legalizes the allocation of family and communal land in accordance with local custom.

Apprehension may be felt in some quarters that the powers which the Bill enables the Native Authority to exercise may not always be wisely used; and may even be abused. I do not claim for all Native Authorities an equal degree of competence, efficiency or wisdom, but it is perfectly true that a number of them have reached a very high stage of efficiency, competence, and wisdom, and in all cases there has been a very considerable development of their sense of responsibility as well as their efficiency, particularly in these last few years of the war. I have no doubt at all as to their ability to administer these provisions fairly and reasonably, and for the benefit of their people. You will observe further that the provisions for enabling Native Authorities to exercise these powers are permissive, and subject to the approval of the Governor. The provisions will nct, of course, be utilized by the Native Authorities unless they are found to be necessary in their areas, and then only such of these powers as they might at the time require to exercise. Furthermore, any rules that may be made by them are subject to the approval of the Governor, who will naturally satisfy himself that they are fair and reasonable, and conform to local custom, and that they are for the general benefit of the community.

The question of the control of the alienation and use of land has been exercising the minds of Native Authorities for many years. It was discussed, for instance, at the Western Chiefs' Conference as long ago as 1937 or 1938, and has been discussed more recently during the war. Similarly, in the Northern and Eastern Provinces Native Authorities have been giving a considerable. amount of attention to these matters, and there is throughout the country a general demand on the part of those Native Authorities who are faced with difficulties and problems in regard to land, for early action to be taken. They are pressing that a measure of control of the kind provided by this Bill should be introduced without further delay in order to prevent the present confusion in land matters becoming worse confounded.

I wish again to emphasize two particular points, in conclusion. This Bill is no startling innovation. Its provisions, or a great many of them, have been exercised for many years, and are being exercised by Native Authorities at this time. Their sanction, however, is native custom, which as I have said, is not so sure a foundation as legal sanction. The present Bill provides for the legalizing cf what, to a great extent, is actual practice in many parts of the country.

Again, this Bill will not in any way weaken security of tenure of land. It will, on the other hand, increase the security where it is in danger of breaking down.

I commend the Bill to Honourable Members as a scund piece of legislation which provides an adequate measure of protection to occupiers, especially small holders, against the damaging and destructive influence of modern tendencies, and gives added security of tenure to their holdings.

I beg to move.

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His Honour the Chief Commissioner, Eastern Provinces:

I beg to second.

Bill read a first time.

His Honour the Chief Commissioner, Western Provinces:

Sir, I beg to give notice that I will move the second and third readings of the Bill which has just been read a first time at a subsequent meeting of this Council.

BILLS

(Second and Third Readings.)

THE NIGER LANDS TRANSFER (AMENDMENT No. 2) ORDINANCE, 1945 The Hon, the Attorney-General:

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

"An Ordinance to amend the Niger Lands Transfer Ordinance "

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Clause 3.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a third time and passed.

THE AGRICULTURE (AMENDMENT) ORDINANCE, 1945

The Hon. the Attorney-General:

Sir, I beg to move the second reading of a Bill entitled: "An Ordinance to amend the Agriculture Ordinance, 1926."

The Hon. the Director of Agriculture:

Sir, I beg to second.

Bill read a second time. Council in Committee.

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Title and Enacting Clause.

Clause 1.

Clause 2.

Clause 3.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. the Director of Agriculture:

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

THE LEGAL PRACTITIONERS (AMENDMENT No. 2) ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Legal Practitioners Ordinance, 1933."

The Hon. G. L. Howe (Solicitor-General):

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. G. L. Howe (Solicitor-General):

Sir, I beg to second.

Bill read a third time and passed.

THE 1943-44 FURTHER SUPPLEMENTARY APPROPRIATION ORDINANCE, 1945

The Hon. the Financial Secretary:

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

"An Ordinance to make supplementary provision for the service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, 1944."

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The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

Sir. I beg to second. Bill read a second time. Council in Committee. Title and Enacting Clause. Clause 1. Clause 2. Schedule. Preamble. Council resumed.

The Hon, the Financial Secretary:

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

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

Sir, I beg to second.

Bill read a third time and passed.

THE POLICE (CLERICAL STAFF PENSIONS-AMENDMENT) ORDINANCE, 1945

The Hon. the Financial Secretary:

Sir, I beg to move the second reading of a Bill entitled : "An Ordinance to amend the Police Ordinance, 1942."

The Hon. E. A. Miller (Commissioner of Labour):

Sir, I beg to second. Bill read a second time. Council in Committee. Title and Enacting Clause.

Clause 1.

Clause 2.

Council resumed.

The Hon. the Financial Secretary:

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

The Hon. E. A. Miller (Commissioner of Labour):

Sir, I beg to second.

Bill read a third time and passed.

THE LAGOS EXECUTIVE DEVELOPMENT BOARD (CLERKS, TECHNICAL STAFF AND MESSENGERS-DECLARATION OF STATUS) ORDINANCE, 1945

The Hon. the Financial Secretary:

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

"An Ordinance to declare the status of the Non-European staff of the Lagos Executive Development Board in respect to certain Legislation affecting Provident Fund and Pensions."

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The rion. the comptioner of customs and Excise :

Sir, I beg to move the following amendments to the First Schedule of the Bill:---

(1).-By inserting the heading "First Schedule".

(2).-By deleting 15 (2) (g) of Part I of the First Schedule in

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The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

Clause 5.

Preamble.

Council resumed.

The Hon. the Financial Secretary :

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

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

Sir, I beg to second.

Bill read a third time and passed.

THE PHARMACY (AMENDMENT) ORDINANCE, 1945

The Hon. the Director of Medical Services :

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

"An Ordinance to amend the Pharmacy Ordinance, 1945."

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1. Clause 2.

Clause 3.

Clause 4.

Clause 5.

Clause 6.

Clause 7.

Council resumed.

The Hon. the Director of Medical Services:

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

The Hon. the Comptroller of Customs and Excise :

Should gold coin which is current in the United Kingdom be imported from some other ccuntry it would still be prohibited under this prohibition, but in the case of gold coin current in some other country it would be allowed in but would be liable to duty in the ordinary way as the law stands at present.

His Excellency:

Does that explanation satisfy the Honourable Member?

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

No I am not quite satisfied Sir. Suppose I got gold from say Porto Novo?

The Hon. the Comptroller of Customs and Excise:

If the Honourable Member imported gold from Porto Novo and it was not gold coin current in the United Kingdom he would have to pay duty on the intrinsic value of the gold.

Amendment approved.

Council resumed.

The Hon. the Comptroller of Customs and Excise :

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

The Hon. the Resident, Onitsha Province:

Sir, I beg to second.

Bill read a third time and passed.

THE LAGOS TOWNSHIP (ADDITIONAL RATES-AMENDMENT) Ordinance, 1945

The Hon. E. A. Carr (Commissioner of the Colony):

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

"An Ordinance to enable the Lagos Town Council to levy an additional rate as and when exceptional and unforeseen circumstances render it essential."

The Hon. the Senior Resident, Adamawa Province:

Sir, I beg to second.

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

Your Excellency, this Bill seems quite harmless, but I cannot quite see the necessity for it. Provision is already made for halfyearly rates, and I think the Town Council cught to be in a position to raise all the funds needed under the existing Ordinance. As I say, it looks quite harmless, but I don't think Lagos can be very happy about it.

I move Sir that this amending Bill should be read this day six months.

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

Sir, in connection with this Bill I agree with what the Honourable Member has just said. The Bill apparently appears quite innocuous but I consider it undesirable and open to abuse. In the Objects and Reasons it states that it is designed to enable the Council to raise the necessary revenue by the levy of an additional rate when the necessity arises in unpredictable circumstances and not have to obtain the enactment of special legislation on each such occasion. Well, unpredictable circumstances may cover a multitude of sins. For example we have had it in the Finance Committee of Legislative Council when, in preparing its estimates, a department has omitted things completely. On one occasion even omitting to make provision for the salary of the Head of the Department. I am referring, as a matter of fact, to the Commissioner of Police. That happened on one occasion, and the same thing might well happen in the Lagos Town Council. I feel. Sir, that it is about time the Lagos Town Council took itself in hand and some of the members, instead of spending their time upon carping criticism got down to studying the financial position of the Lagos Town Council. It is an open secret, that at one time the Lagos Town Council had no reserves whatever and it were rather shaken when I suggested it should create a Motor Renewals Reserve Fund. I believe that this is the only Reserve Fund they have at the moment. I believe this Bill has been brought forward for the purpose of enabling the Council to raise five or six thousand pounds to pay COLA. Well, it is a pretty poor Council if it has not a reserve of five or six thousand pounds. If it requires this money I would suggest it borrows from the Motor Renewals Fund and replaces it in the subsequent six months by increasing the rates as necessary. I believe, Sir, that a ratepayer is entitled to some sense of security. He should be able to budget. There is provision for the levying of a rate every six months. Once the ratepayer has paid his dues for the six months he should feel free until the following six months. As I say, this Bill is open to abuse and I would like Government to reconsider the whole Bill. I would like to see it withdrawn.

The Banking Member (The Hon. K. M. Oliver, M.C.):

As a member of the Town Council I think I must rise to give a little more explanation. Full details, no doubt will be given by the Commissioner of the Colony when he replies. The circumstances that made this necessary, this extra rate, are very unusual, and it was not felt that we should call on reserves, which I quite appreciate the Honourable Commercial Member was instrumental in starting. There are other reserves than the Motor Lorry Reserves he mentioned. In fact we have quite considerable reserves but felt that we were not justified in calling on them to pay for this particular item. The Honourable Member for Commerce's suggestion was not thought of at the time the question of the rates was raised, that money should be found from reserves

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The Hon. the First Lagos Member	Aye
The Hon. the Commercial Member for Lagos	Aye
The Hon. the Commercial Member for Kano	Aye
The Hon. the Mining Member	Aye
The Hon. the Member for Calabar Division	Aye
The Hon. R. J. Simmons, C.B.E., Director of	
Veterinary Services,	No
The Hon. N. S. Clouston, O.B.E., Commissioner of	
Lands and Director of Surveys	No
The Hon. G. L. Howe, Solicitor-General	No
The Hon. E. A. Miller, Commissioner of Labour	No
The Hon. E. A. Carr, Commissioner of the Colony	No
The Hon. F. E. V. Smith, C.M.G., Development	37
Secretary	No
The Hon. the Director of Agriculture	No
The Hon. the Director of Public Works	No
The Hon. the General Manager of the Railway	No
The Hon. the Resident, Onitsha Province	No
The Hon. the Senior Resident, Adamawa Province	No
The Hon. the Senior Resident, Warri Province	No
The Hon. the Comptroller of Customs and Excise	No
The Hon. the Acting Director of Marine	No
The Hon. the Acting Director of Education	No
The Hon. the Director of Medical Services	No
The Hon. the Financial Secretary	No
The Hon. the Attorney-General	No
His Honour the Chief Commissioner, Eastern	
Provinces	No
His Honour the Chief Commissioner, Western	-
Provinces	
The Hon. the Chief Secretary to the Government	No

His Excellency:

That is 23 " No "s and 16 " Aye."s The Bill will then be read a second time.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

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Clause 2.

The Hon. E. A. Carr (Commissioner of the Colony):

I beg to move that clause 2 be amended by the deletion of the phrase "for the period in respect of which the additional rate is levied" in paragraph (a).

Amendment approved.

The Hon. E. A. Carr (Commissioner of the Colony):

I beg to move that clause 2 be amended by the deletion of paragraph (b) and the substitution therefor of the following:

"(b) The provisions of sub-section (2) shall apply to the order levying the additional rate as if it were an order made under sub-section (1) ".

His Excellency :

Would the Honourable Member like to explain the reason for this?

The Hon. E. A. Carr (Commissioner of the Colony):

The first amendment is the deletion of the words " for the period in respect of which the additional rate is levied " in paragraph (a). This can best, I think, be explained by quoting the present example, namely the retrospective award of COLA from the 1st August. As the Bill originally stands it will empower the Council only to levy the rate for the period 1st August, 1945 to 31st March, 1946. The purpose of the amendment is to enable the Council to levy a rate to meet the expenditure of the period 1st August to 31st March, that is two months—August and September—outside the statutory six months of the period.

The purpose of the second amendment is of a formal nature, Sir. The effect of sub-section 1 remains the same, but the amendment will make it quite clear that the provisions of sub-section 2 of section 29 of the principal Ordinance apply to the order levying the rate and not to the rate itself.

Amendment approved.

Council resumed.

The Hon. E. A. Carr (Commissioner of the Colony):

I beg to move that the Bill as amended be read a third time and passed.

The Hon. the Senior Resident, Adamawa Province:

I beg to second.

Bill read a third time and passed.

Nigeria Legislative

THE TOWNSHIPS (AMENDMENT No. 2) ORDINANCE, 1945 The Hon. the Attorney-General:

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

"An Ordinance to amend the Townships Ordinance."

His Honour the Chief Commissioner, Eastern Provinces:

I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

Clause 5.

Council resumed.

The Hon. the Attorney-General:

I beg to move that the Bill be read a third time and passed.

His Honour the Chief Commissioner, Eastern Provinces:

I beg to second.

Bill read a third time and passed.

His Excellency:

Gentlemen, that concludes the business for to-day. Council will now adjourn until 10 a.m. to-morrow morning.

Council adjourned at 11.30 a.m. until 10 a.m. on Wednesday the 12th of December.

Debates in the Legislative Council of Nigeria

Wednesday, 12th December, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Wednesday, the 12th of December, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G.

The Chief Secretary to the Government,

The Honourable G. Beresford Stooke, C.M.G. The Chief Commissioner, Western Provinces,

His Honour Sir Gerald C. Whiteley, C.M.G.

The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G.

The Attorney-General, The Honourable H. C. F. Cox, K.C.

The Financial Secretary, The Honourable S. Phillipson.

The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.

The Acting Director of Education, The Honourable T. H. Baldwin.

The Acting Director of Marine, Commander the Honourable S. H. Butler, R.D., R.N.R.

The Comptroller of Customs and Excise, The Honourable J. McLagan, O.B.E.

The Senior Resident, Warri Province, Major the Honourable R. L. Bowen, M.C.

The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C.

The General Manager of the Railway, The Honourable A. J. F. Bunning.

The Director of Public Works, The Honourable H. E. Walker, C.B.E.

The Director of Agriculture, The Honourable A. G. Beattie.

The Honourable F. E. V. Smith, C.M.G., Development Secretary.

The Honourable E. A. Carr, Commissioner of the Colony. The Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member). The Honourable G. L. Howe. Solicitor-General (Extraordinary Member). The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extraordinary Member). The Honourable R. J. Simmons, C.B.E., Director of Veterinary Services (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for Calabar.

The Rev. and Honourable O. Efiong.

The Mining Member, The Honourable H. H. W. Boyes, M.C.

The Commercial Member for Kano, The Honourable W. T. G. Gates.

The Commercial Member for Lagos,

The Honourable J. F. Winter.

The First Lagos Member,

The Honourable Ernest Ikoli.

The Member for Shipping,

The Honourable G. H. Avezathe, C.M.G.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The Member for the Cameroons Division, The Honourable J. Manga Williams.

The Member for the Ondo Division,

The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division, The Honourable Akinpelu Obisesan.

The Member for the Warri Division, The Honourable J. Ogboru.

The Second Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division, The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division, The Honourable E. N. Egbuna.

The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

The Member for the Ijebu Division, The Honourable T. A. Odutola.

Council Debates

ABSENT

OFFICIAL MEMBERS

The Acting Chief Commissioner, Northern Provinces, His Honour Commander J. H. Carrow, C.M.G., D.S.C.

The Deputy Chief Secretary to the Government, The Honourable T. Hoskyns-Abrahall, C.M.G.

The Senior Resident, Plateau Province, The Honourable F. M. Noad.

The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province, Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

The Resident, Abeokuta Province, The Honourable E. N. Mylius.

The Resident, Cameroons Province, The Honourable R. J. Hook, D.F.C.

The Resident, Kabba Province, Captain the Honourable R. M. Downes, M.C.

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt (Provisional), The Honourable C. Paris-Jones.

The Third Lagos Member, Vacant.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 11th of December, 1945, having been printed and circulated to the Honourable Members were taken as read and confirmed.

PAPERS LAID

The Hon. the Chief Secretary to the Government:

Sir, I beg to lay the following papers on the table :---

Sessional Paper No. 26-Annual Report on the Posts and Telegraphs Department for the year 1944-45.

Sessional Paper No. 27-Annual Report on the Forest Administration of Nigeria for the period 1st January, 1944 to 31st March, 1945.

Certificate of Urgency in respect of the Bill for an Ordinance to provide Facilities for Grants and Loans to certain Bodies for the purposes of Public Utility or Development and to Establish a Board for such purposes.

QUESTIONS

NOTE.—Replies to Questions No. 3 by the Honourable the Member for the Colony Division, No. 13 by the Honourable the Second Lagos Member, Nos. 46-49, 51, 52 and 56 by the Honourable the Member for the Ibibio Division, No. 60 by the Honourable the Member for Calabar Division, No. 62 by the Honourable the Member for the Ibibio Division, Nos. 67, 69 and 70 by the Honourable the Member for the Rivers Division, Nos. 71-73, 75-80 by the Honourable the Member for the Colony Division, Nos. 85-94 by the Honourable the Member for Calabar Division, Nos. 95 and 96 by the Honourable the Member for the Ijebu Division, Nos. 97-102 by the Honourable the Member for the Ijebu Division, Nos. 103-105 by the Honourable the Member for the Ijebu Division, No. 109 by the Honourable the Member for the Ijebu Division, No. 110 by the Honourable the Member for the Ijebu Division are not yet ready.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

62. To ask Government: Whether Government does not propose to raise Oron and Uyo, two important towns in the Ibibio Division to the Status of Second Class Townships?

Answer-

His Honour the Chief Commissioner, Eastern Provinces:

No, Sir. Government is not aware of any good reason for declaring Oron and Uyo to be Townships of the Second Class or of any demand for such declaration.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo):

81. (a) Is it a fact that there is lack of adequate supplies of water in certain parts of the town of Abeokuta?

(b) If so will Government please investigate and, if necessary, apply remedial measures by the extension and/or reconditioning of the water supply, with special reference to the altitude of the existing reservoir?

Answer-

The Hon. the Director of Public Works:

(a) Yes owing to low rainfall there have been occasions during the last few years when shortage of water in the river has made it necessary to restrict supplies.

(b) The Egba Native Administration is the responsible authority for the supply and the question of possible improvement is being considered. The reservoir is at sufficient elevation.

The Member for the Egba Division (The Rev. & Hon. Canon S. A. Delumo):

84. (a) Is it a fact that there are hardships and restrictions in Egbaland about Rice with consequent anxiety to farmers and producers?

(b) If so, will Government inform them and the general public as to when the restrictions will be removed? Dec. 12, 1945]

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Answer-

The Hon. the Chief Secretary to the Government :

(a) and (b) In order to ensure adequate supplies of food at reasonable prices for essential military and civil requirements it has been necessary for the last three years to purchase on behalf of Government the maximum quantities of rice in the Abeokuta Province. In order to achieve this orders have been made by the Native Authority requiring farmers to sell their rice to accredited buyers. The current order was revoked on Nøvember 20th, 1945, and the only restrictions now in force are orders prohibiting the export of rice from the Province except under Permit and fixing the maximum price at £14 5s 0d a ton.

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

107. To ask the Honourable the Chief Secretary to the Government whether, in the plans for the development of the Cameroons Province, it is proposed that Government should make available for purchase by local farmers parcels of land at present forming part of the lands held by the various plantations?

Answer_

The Hon. the Chief Secretary to the Government :

Government is unable to make any statement regarding the future of the Cameroons Plantations.

STATEMENT BY HIS EXCELLENCY

His Excellency :

Gentlemen: Before proceeding with the business on the Agenda there is one thing which I should like to bring to the notice of this House. In yesterday's edition of the "West African Pilot", in what purports to be a summary of the proceedings of this Council, the following was printed:—

"Mention was made of the June 1945 General Strike by His Excellency, who said that the Government took a very lenient view about the strikers' action and about the alleged attempt made by certain section of the community to assassinate a journalist during the memcrable strike."

Well, Gentlemen, that is a flagrant misrepresentation of what I actually said. I am quite confident that no person who was present in this House and heard my words, could have the faintest doubt about what I meant. This passage conveys to the public the precise reverse of what I did say.

In the circumstances, and in view of the past record of this paper, it is at least open to accusation that that misleading of the public was deliberate. There was a correct report printed in the "Nigerian Times" and in the "Daily Service". The same facilities were open to all newspapers. I should like to read to you, Gentlemen, Standing Order No. 62 governing the procedure and the privileges of this House:

Standing Order No. 62 reads :--

"The President may grant a general permission to the representative of any journal to attend the meetings of the Council provided that, if the journal publish a report of the proceedings which the President considers unfair, such permission may be revoked."

The powers given to the President of this House are not only given to preserve the dignity and privileges of this House, but they are also meant to preserve the public from being misled as to what was actually said and done in this House.

I have decided to withdraw from this paper the privilege of being, represented at the Press Table in this House, and I have no intention of withdrawing this restriction until an apology, drafted in terms which I consider to be acceptable, an unreserved apology, to this House, has been printed with suitable publicity in that paper. The words in question constitute a gross breach of the privileges of this House, and I am here, as your President, to guard not only my own dignity as President, but primarily to guard your privileges and your dignity, Gentlemen, as the Legislative Assembly of this Colony.

MOTIONS

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following :---

" Be it resolved :

"That the report of the Finance Committee which was "laid on the table today be adopted".

The report covers the work of the Finance Committee of this Council from the 23rd February, 1945, to the 2nd November, 1945. The report is self-explanatory and self-contained and calls for no comment.

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

I beg to second.

Resolution adopted.

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following :--

" Be it resolved:

"That Mr T. B. Layeni, formerly Inspector, Grade II, "Police Department, who was retired, with effect "from the 21st of April, 1945, inclusive, on "grounds of ill-health, shortly after his reduction "in rank from the grade of Inspector, Grade I, "be granted a special pension and gratuity based "on his average salary (£241 16s 10d) for the

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"three years immediately preceding the date of his "retirement, such average salary having been "calculated as if he had served one year on the "reduced rate of salary; that is to say, pension at "the rate of £81 17s 6d per annum, plus a gratuity "of £241 16s 10d instead of the pension and "gratuity based on his actual salary (£220 per "annum) at the date of his retirement, for which "he is eligible under the pensions law."

The literal application of the relevant Pension Regulation to this pensioner would mean that a provision intended to benefit those retiring on grounds of ill-health would actually operate to his detriment. It is naturally more beneficial for a retiring officer who has recently been reduced in salary to be given the benefit of the provision by which pension is computed on the average salary of the last three years of service rather than to have his pension computed on his retiring salary. As, however, an award on this basis is not covered by the letter of the regulation in question, a Legislative Council Resolution is necessary. I propose to take up the question of an amendment to the Regulations to ensure that the time of Council is not in future taken up by ad personam Resolutions of this nature.

The Hon. E. A. Miller (Commissioner of Labour):

I beg to second.

Resolution adopted.

The Hon. the Comptroller of Customs and Excise:

Before moving the Resolution entitled "The Customs Tariff (Skimmed and Separated Milk) Resolution and Order, 1945", standing in my name, I should like Your Excellency's approval to amend the new sub-item (3) to item 27 appearing in paragraph 2 (a) of the Resolution by deleting the word "gold". The subitem would then read "Mining and dredging;"

Your Excellency, I now beg to move the Resolution as amended. Paragraph 2 of the Resolution, Sir, consists of two proposed amendments to the Free List. Both these amendments, Sir, were incorporated in the amending Schedules to the Customs Ordinance, 1942, passed in this House yesterday, and this Resolution is intended merely to breach the gap between now and the time when the 1942 Customs Ordinance comes into force.

The first amendment in paragraph 2 (a) of the Resolution adds mining and dredging machinery to the list of machinery which may be admitted free of duty. I explained the purpose of this, Sir, when I moved the first reading of the Bill amending the Customs Ordinance, 1942, and I do not think, Sir, that it is necessary to cover the ground again.

Paragraph 2 (b) of the Resolution affects sub-item (2) of item 42, Sir, of the Free List. This will have the effect of admitting all kinds of milk free of duty. At the moment skimmed and separated milk is liable to duty, but this proposed amendment will allow all kinds of milk to come into the country free of duty. I think if Honourable Members will bear in mind the important part that milk plays in our dietary, especially that of our children, they will welcome this amendment.

Paragraph 3 of the Resolution, Sir, merely amends two small typographical errors in Resolution No. 1 of 1941 which was passed in this House at the last Budget meeting.

Sir, I beg to move that the Resolution be made effective as from today's date.

The Hon. the Financial Secretary:

Sir, I beg to second.

Resolution adopted.

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

Your Excellency, I rise to move the following motion:

"With reference to the Minutes of the meetings of the Standing Finance Committees held on the 27th September and on the 12th October, 1945, wherein it is recorded that the ten shillings per ton premium to recognised cocoa Co-operative unions and societies is to be continued upon the express direction of the Secretary of State for the Colonies. As the Legislative Council declined to vote mcney from Nigeria's own revenue for this purpose during the 1945-46 cocoa season, it is respectfully requested that His Excellency the Governor should inform the Secretary of State that, in the opinion of this Hcuse, his action, in overriding the considered opinion of the Legislative Council, is deemed not to be in accord with the best traditions of Colonial Government."

Sir, this motion is no criticism of the Co-operative Societies. Nobody realises better than I do that if the African producer is to participate in the economic development of Nigeria, that the development of cc-operative produce marketing societies is necessary. This motion deals with a matter of principle. I am not unaware of the fact the motion is rather an awkward one, inasmuch as the Honourable Members on the other side cannot very well vote for it. It would be rather a slap in the face for higher authority if they did. At least, that is my opinion. To the Honourable Members, my colleagues on this side of the House I am going to ask for support of this motion in order to prove they have the courage of their cwn convictions and make it apparent that they stand by decisions which they have made.

I think the history of this 10s per ton premium is common knowledge. In 1943-44 it was approved by the Legislative Council with the reserve or rather with the proviso that we didn't want the Government to come again. In 1944-45 owing to certain unforeDec. 12, 1945]

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seen circumstances the Government did come again and the sum of money was approved, but, with the proviso it would not be approved next year.

In 1945-46, when the Estimates were submitted, the Legislative Council, having, or rather, I put it this way, Sir, the Finance Committee, having previously advised and recommended to Government they could not see their way clear to vote a sum of money for this purpose, the item was not included in the 1945-46 Estimates. The reason for this decision was apparent. We felt it was unwise to spend Nigerian revenue upon subsidizing one particular type of African cocoa producer-operator against another type. You had on the one side "A" which consisted of African Cocoa producers-operators formed into co-operative societies doing exactly the same work, no more, no less, than type "B" which consisted of African private individuals and African companies also producer-operators in cocoa. Type "B" again performing precisely the same function as type "A". Therefore we felt it was unfair to use Nigerian revenue for the purpose of subsidizing one particular section of an industry to the disadvantage of another section.

The facts are, so far as I can see them, that this Council held the view and it was obviously supported by Executive Council, and, it would appear that the Governor equally obviously accepted the advice given him, so consequently this particular item was not scheduled in the Estimates for 1945-46. Here the matter should have rested, at least in my opinion it should have rested here. But apparently in some inexplicable manner it was resuscitated with the Secretary of State, and I can only assume that it was not with the approval, or the authority of His Excellency the Governor. If this is correct, then I regard that as a scandal in itself. That any official should have been able to approach the Secretary of State with a view to inducing him to override a decision arrived at by the Nigerian Legislature as a whole is outfageous.

Assuming my surmise is correct, the next we heard of this matter is recorded in the Standing Committee on Finance minutes of the 27th September. The Chairman informed members "That the subsidy to cccoa co-operative societies should be continued in accordance with the express direction of the Secretary of State for the Colonies." My view is, that once the entire Legislature of Nigeria decided not to spend money on a project which it felt it could not do from Nigeria's own revenues, it was distinctly unwise on the part of the Secretary of State to order otherwise. I can cnly interpret the remark "that the premium to co-operative societies should be continued in accordance with the express direction of the Secretary of State " as an order. I feel, he could at least have had the courtesy to state a case, refer it back to Nigeria, and ask that it be reconsidered. Had he done that I should have had nothing to say. You know the United Kingdom once lost a great Colony which is now a great country through the Home Government endeavouring to interfere with certain financial matters, and without the inhabitants having a say in their own destiny. This type of thing rather suggests to me that it is again the beginning of a similar policy. I may be wrong.

I would like to make it quite clear, I cannot very well quarrel or criticize any direction of the Secretary of State in connection with the expenditure of monies which are free grants to Nigeria. I consider that type of money falls into an entirely different category to Nigeria's own revenue.

Finally, I consider the Secretary of State's action is a slight, not only upon the Legislative and Executive Councils, but also upon His Excellency the Governor, who undoubtedly appreciated the wisdom of the advice given him when he accepted that advice.

I am asking this House to request His Excellency to inform the Secretary of State that his action is deemed not to be in accord with the best traditions of Colonial Government, in order to show that it retains its confidence in its decision and to demonstrate its confidence in His Excellency's decision to accept the advice which the Legislative Council, and presumably the Executive Council, tendered at that time.

Your Excellency, I have endeavoured to be polite in framing this particular motion, and I hope that nobody can take offence at its particular wording, because I personally would have used other terms, and actually I regard the Secretary of State's action as indiscreet.

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

I support the motion just made by the Commercial Member for Lagos. I am speaking as an Elected Member of this Council. I don't think Government has ever missed any opportunity to advertize to our constituents that we Unofficial Members hold the purse-strings of the Government, and no money is spent unless with our approval. But it is the other way round now. We do not want to spend this money for the purpose for which Government wants it.

On three different occasions in Finance Committee as well as in open Council here objections have been lodged against expenditure, and as the mover of the motion has said, Government accepted the wisdom and advice of this House. It puts us in a very false position, indeed, with our constituency when we have been told that no expenditure is incurred in this House without our approval.

I strongly support the motion of the Commercial Member for Lagos.

The Hon. the Chief Secretary to the Government:

Sir, the Honourable the Mover was quite right in his assumption that Official Members would be unable to vote for this motion. I am going to endeavour to persuade Unofficial Members that they too should not vote for this motion.

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Dec. 12, 1945]

I have two points to make, Sir. In the first place I would draw attention to the wording here. It states :-- "As the Legislative Council declined to vote money from Nigeria's own revenue for this purpose during the 1945-46 cocoa season " The Honourable the Mover may well say that he knows better than I do. Sir, because he was here and I was not but I have studied the records and the circumstances, as I understand them, are these. A Committee was appointed to make recommendations regarding the future development of Co-Operative Societies. That Committee recommended that the subsidies should continue for three years, that is to say, for the years 1944-45, 45-46, 46-47. The Executive Government considered that recommendation and came to the conclusion for reasons which I need not enter into at the moment that the subsidy should be payable only for the first year, that is for 1944-45, and the Finance Committee was accordingly invited to approve the appropriation for that year only. The Finance Committee was not, so far as I can see from the records, ever invited to vote the money in respect of the year 1945-46 until after the Secretary of State had intimated his decision in the matter. I, therefore suggest, Sir, that to say that the Legislative Council declined to vote the money, is, perhaps, with all due respect to the Honourable the Mover, not quite accurate.

It is also stated "overriding the considered opinion of the Legislative Council". There again, Sir, I submit that the question of granting a subsidy in respect of the 1945-46 cocoa crop has not come before the Legislative Council until now and has not been discussed by this Council. I suggest again, therefore, that to say that the Legislative Council has expressed a considered opinion on the grant of the subsidy for the 1945-46 cocoa season is rather overstating the case. If anyone has a claim to be aggrieved by the Secretary of State's decision it is, I submit, the Executive Government rather than the Legislative Council.

I have another point too, Sir. This country, the Colony and the Protectorate, is, in fact, a Crown Colony and the responsibility for the Government of this country lies with His Majesty's Government. That is clearly illustrated in the Nigeria Protectorate Order in Council and the letters patent to the Colony which makes it quite clear His Majesty reserves the right to disallow ordinances, including appropriation ordinances, and His Majesty also reserves to himself the right to make ordinances notwithstanding what may be said by this Legislative Council; and that too would include appropriation ordinances. I wonder too, Sir, whether Honourable Members would really wish there to be a rule that the considered opinion of this Legislative Council should never be overridden by the Secretary of State. Honourable Members may on reflection consider that that might give too much power to the Executive Government which has a majority in this Council. The Honourable the Mover, Sir, may surmise as to the manner in which this matter came to be reviewed by the Secretary

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to a certain race. The business of those authorities charged with the responsibility of receiving and handling tenders should surely be confined to the practical question which of all the tenders received is, all things considered, the most advantageous. The admission of extraneous considerations would be most unwise. Surely Honourable Members will agree that of all forms of discriminatory action that effected by executive direction is the most dangerous. If law-abiding citizens, of whatever origin, are allowed to reside in our midst,—and that I submit is the crux of the matter,-and settle in business as contractors, it would surely be wrong and out of keeping with our best traditions to try and drive them out of business by denying them public contracts. It might conceivably be reasonable to refuse to admit into the country ex-enemy aliens or other prescribed groups. That has been done on more than one occasion for the protection of the internal economy of particular countries, and for other less justifiable reasons. But that is a matter of immigration policy and immigration law and not a matter for day-to-day administrative business.

The immediate facts which have led up to this question have been briefly re-capitulated by the Honourable mover. In 1943 the Government, being desperately short of technicians, applied for the release of a group of Italian "co-operators" formerly resident in Nigeria and who were then interned in Jamaica, in order to employ them on essential civil work here. Unfortunately their release was long delayed and this small group did not return to Nigeria until last August when, as we all know, the world position had completely changed. Italy for two years had been co-belligerent with the United Nations, and Government no longer required the services of these men. They were accordingly released from internment and their property restored. Two of them were partness of a former contracting firm in Nigeria which I understand had acquired an excellent reputation for economical and efficient work before the war. These two men decided to re-establish themselves in their former business, and indeed there was nothing to prevent them from doing so.

The first and immediate result of the acceptance of the motion would be to deny public contracts to this firm for a period of ten years. I can conceive of only one ground by which such action might be justified and even then, in my opinion, it should be done, not by executive direction but by legislation of general effect and that ground would only exist if the contracting firms already established in Nigeria were fully equal to the immense task which it will be necessary to put through during the years immediately ahead. In a way I would have wished this motion to come before this Council after the presentation to it of the great Development and Welfare Plan. Honourable Members will then be in a better position to appreciate that the resources and equipment of every possible constructional agency in Nigeria would be fully taxed for an indefinite time to come. Government could not, I submit, Dec. 12, 1945]

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reasonably afford to exclude from its list of contractors any firm of established repute on the grounds suggested. I am sure no one would welcome more than my Honourable friend the Director of Public Works the entry in ever larger numbers into the field of building contracting of reliable local enterprises. It is the definite aim of Government to encourage the development of the local building, contracting, and cognate industries, and in allotting contracts this aim will always be kept in view. But there will be more than enough work for all and it will be an obvious practical advantage to the Public Works Department to have available contracting firms willing to undertake work in any part of Nigeria and able to carry through considerable works without that close departmental supervision which small contractors require and, indeed, generally ask for.

In these circumstances Government trusts that Council will not press it to accept a limitation on its discretion which would merely serve to hamper it in carrying out its important plan for developing Nigeria. That discretion will be exercised with due and constant regard for reasonable claims of purely Nigerian enterprise.

In conclusion I would like to make it quite clear that my remarks are directed solely to the question of allotment of contracts to ex-enemy nationals who have been permitted to return to, or to remain in, Nigeria. Whether, and if so on what conditions, ex-enemy nationals who were not resident in Nigeria before the war, or even ex-enemy nationals who were resident but have not returned, may come to this country is a different matter, and a matter of high policy, Sir, which will I presume be considered by His Majesty's Government nct merely on an Empire basis but on a United Nations basis. On that matter we are obviously not yet in a position to make any local pronouncement. Meanwhile, having regard to the assurances I have given, and the facts as they are, I trust the Council will agree that the public interest would be served in no way by the adoption of this Motion.

His Excellency :

Does the Honourable Member wish this motion to go to the vote?

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

Your Excellency, in view of what the Honourable the Financial Secretary has stated, although I do not agree with him in his, shall we say, theories as to how ex-enemy aliens should be treated, my motion has served the purpose for which it was designed, and that is to induce a statement from Government which I could not have got by question and answer in the ordinary way. In these circumstances, with the permission of the House, I will withdraw the motion.

Motion withdrawn.

BILLS

(Second and Third Readings.)

THE RECOVERY OF PREMISES (APPLICATION-AMENDMENT)

ORDINANCE, 1945

The Hon. the Attorney-General:

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

"An Ordinance to amend the Recovery of Premises Ordinance, 1945 ".

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Council resumed.

The Hon. the Attorney-General :

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

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a third time and passed.

THE MAGISTRATES' COURTS (NATIVE COURTS TRANSFER-Amendment) Ordinance, 1945

The Hon. the Attorney-General :

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

"An Ordinance to amend the Magistrates' Courts Ordinance, 1943 ".

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Council resumed.

The Hon. the Attorney-General:

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

The Hon. G. L. Howe (Solicitor-General) :

Sir. I beg to second.

Bill read a third time and passed.

Dec. 12, 1945]

THE CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE, 1945

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

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

"An Ordinance to amend the Co-operative Societies Ordinance, 1935".

The Hon. the Director of Agriculture:

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

Clause 4 Sir. I move that this clause be amended by inserting a full stop after the word "Registrar" in section 28 and by deleting the words "or by a person approved by him in that behalf".

I explained yesterday in introducing this Bill that the approval of these interim payments or distributions could be made by the Registrar or Assistant Registrar. An Assistant Registrar does not exist in law. Under section 3 of the principal Ordinance the Governor has the power, by notice in the Gazette, to empower assistants to the Registrar to carry out duties, and by deleting these words it will mean that only the Registrar or other person approved by the Governor can carry out this work.

Amendment approved.

Clause 5.

Council resumed.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

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

The Hon. the Director of Agriculture :

Sir, I beg to second.

Bill read a third time and passed.

THE SHIPPING AND NAVIGATION (CARRIAGE OF VALUABLE AND DANGEROUS GOODS-AMENDMENT) ORDINANCE, 1945

The Hon. the Acting Director of Marine:

- Sir, I beg to move the second reading of a Bill entitled :
 - "An Ordinance to amend the Shipping and Navigation Ordinance".

The Hon. the Attorney-General:

Sir, I beg to second.

Bill read a second time.

Council in Committee.

Title and Enacting Clause.

Clause 1.

Clause 2.

Council resumed.

The Hon. the Acting Director of Marine :

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

The Hon. the Attorney-General:

Sir, I beg to second.

Bill read a third time and passed.

THE NATIVE AUTHORITY (CONTROL OF LANDS—AMENDMENT) ORDINANCE, 1945

His Honour the Chief Commissioner, Western Provinces:

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

"An Ordinance to amend the Native Authority Ordinance, 1943."

His Honour the Chief Commissioner, Eastern Provinces:

Sir, I beg to second.

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

Sir, some time ago the Commissioner of the Colony sent a circular round saying that Native Courts, as far as we are concerned in the Colony, would now try land cases, and we were glad that that additional power was given to us. When this Bill was brought in I promised to support it, but I have been rather carried out of my depth, and I should like it to be clarified a bit. It says "in accordance with native law and custom " but there is no clarified native law and custom on land system. I should like to know, Your Excellency, if for instance the native law and custom of Ijebu is different from that of Abeokuta and of other people in the Council Debates

Dec. 12, 1945]

Western, Eastern and Northern Provinces. This Bill is going to operate in all these places. What native law and custom will be followed? That should be made plain to us. If there is any book to guide the people on how to dispose of land by native law and custom it would be very helpful indeed.

And then again we have been accustomed to the British Courts hearing land cases and supplying plans when there is land in dispute. Could that be done in any Native Court? I don't think they could do plans, they wont have surveyors. I should like that point clarified for us. In many cases it will create difficulties unless you say this is not going to set aside people going to the British Law Courts to have their land disputes settled.

The Member for Egba Division (The Rev. & Hon. Canon S. A. Delumo):

Sir, I rise to support the Bill. I believe it is a step in the right direction. Many years ago this land system gave much trouble and delegates had to go to England. Customs differ in many places, something should be done to unify Nigeria in this respect, so far as I can see, I believe there is sufficient control in the matter. The Native Authority concerned, is always composed of many people and in case it is one person, he must have an inner Council to consult.

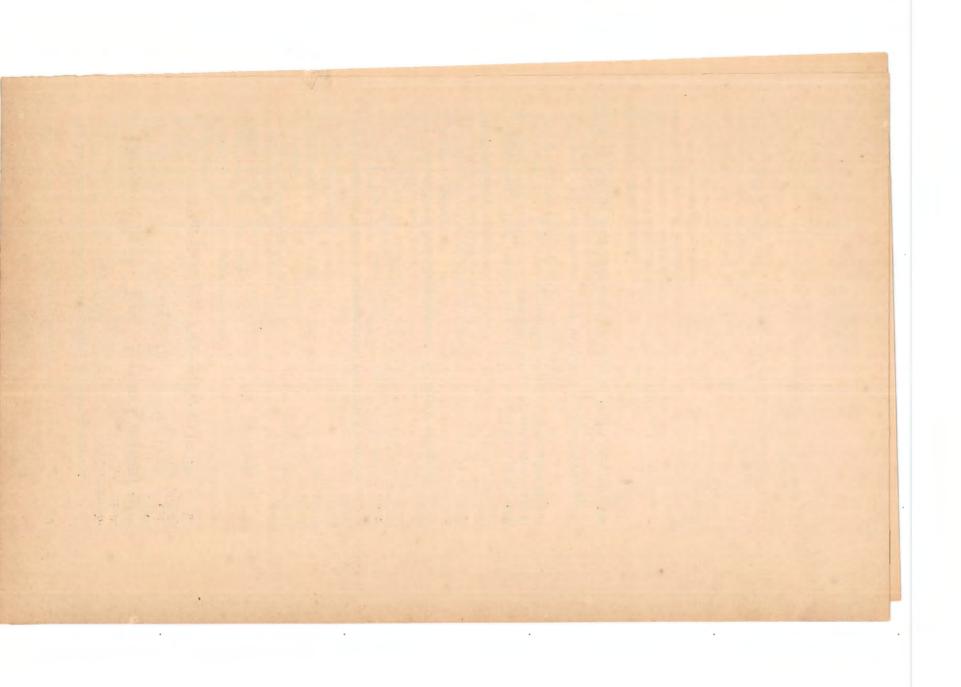
The Bill is in the interest of our people. I therefore support it.

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

Your Excellency: This special question is of great importance and I don't exactly understand that people and nations can say that they have not customs and laws of their own countries controlling their rights and properties. If there are such in Nigeria, we have laws and customs in the Cameroons and so I will express no opinion. There are some very big cases and some cases in connection with lands which will require survey and which will require the interference of the law courts, magistrates, and higher courts, and so on. But in all of our internal affairs we know that the native courts are fit to deal with their land cases within their jurisdiction and if they find it impossible to determine the case they refer it to the District Officer and so on. So far I think that if the native courts are granted the hearing and decision of land cases it would be a very good thing.

The Hon. N. S. Clouston, O.B.E. (Commissioner of Lands and Director of Surveys):

The very short objects and reasons on the first page of the Bill-"To enable the Native Authorities to exercise control over the land as defined in the Bill "---will be attained. In getting out this amending Ordinance the need was felt to provide machinery to meet requirements already felt in many parts of the country.



Debates in the Legislative Council of Nigeria

Thursday, 13th December, 1945

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Thursday, the 13th of December, 1945.

PRESENT

OFFICIAL MEMBERS

The Governor,

His Excellency Sir Arthur Richards, G.C.M.G. The Chief Secretary to the Government, The Honourable G. Beresford Stooke, C.M.G. The Chief Commissioner, Western Provinces, His Honour Sir Gerald C. Whiteley, C.M.G. The Chief Commissioner, Eastern Provinces, His Honour F. B. Carr, C.M.G. The Attorney-General, The Honourable H. C. F. Cox, K.C. The Financial Secretary, The Honourable S. Phillipson. The Director of Medical Services, Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E. The Acting Director of Education, The Honourable T. H. Baldwin. The Acting Director of Marine, Commander the Honourable S. H. Butler, R.D., R.N.R. The Comptroller of Customs and Excise, The Honourable J. McLagan, O.B.E. The Senior Resident, Warri Province. Major the Honourable R. L. Bowen, M.C. The Senior Resident, Adamawa Province, The Honourable G. B. Williams, M.C. The General Manager of the Railway, The Honourable A. J. F. Bunning. The Director of Public Works, The Honourable H. E. Walker, C.B.E. The Director of Agriculture, The Honourable A. G. Beattie. The Honourable F. E. V. Smith, C.M.G., Development Secretary.

The Honourable E. A. Carr. Commissioner of the Colony.

The Honourable E. A. Miller,

Commissioner of Labour (Extraordinary Member). The Honourable G. L. Howe,

Solicitor-General (Extraordinary Member).

The Honourable N. S. Clouston, O.B.E., Commissioner of Lands and Director of Surveys (Extra-

ordinary Member).

The Honourable R. J. Simmons, C.B.E.,

Director of Veterinary Services Member).

(Extraordinary

UNOFFICIAL MEMBERS

The Member for Calabar,

The Rev. and Honourable O. Effong.

The Mining Member, The Honourable H. H. W. Boyes, M.C.

The Commercial Member for Kano,

The Honourable W. T. G. Gates.

The Commercial Member for Lagos. The Honourable J. F. Winter.

The First Lagos Member,

The Honourable Ernest Ikoli.

The Member for Shipping,

The Honourable G. H. Avezathe, C.M.G.

The Member for the Colony Division,

The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The Member for the Cameroons Division,

The Honourable J. Manga Williams.

The Member for the Ondo Division,

M.S.S. The Ven. and Honourable L. A. Lennon, M.B.E.

The Banking Member,

The Honourable K. M. Oliver, M.C.

The Member for the Oyo Division,

The Honourable Akinpelu Obisesan.

11-1 The Member for the Warri Division, The Honourable J. Ogboru.

The Second Lagos Member,

The Honourable E. A. Akerele.

The Member for the Rivers Division,

The Ven. and Honourable E. T. Dimieari.

The Member for the Ibo Division, The Honourable E. N. Egbuna.

The Member for the Ibibio Division, The Honourable G. H. H. O'Dwyer.

The Member for the Egba Division,

The Rev. and Honourable Canon S. A. Delumo.

The Member for the Ijebu Division, The Honourable T. A. Odutola.

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ABSENT

OFFICIAL MEMBERS

The Acting Chief Commissioner, Northern Provinces, His Honour Commander J. H. Carrow, C.M.G., D.S.C.

The Deputy Chief Secretary to the Government, The Honourable T. Hoskyns-Abrahall, C.M.G.

The Senior Resident, Plateau Province,

The Honourable F. M. Noad.

The Resident, Onitsha Province, The Honourable D. P. J. O'Connor, M.C.

The Resident, Ilorin Province, Captain the Honourable J. P. Smith.

The Resident, Ondo Province, The Honourable E. V. S. Thomas.

The Resident, Bauchi Province, Captain the Honourable H. H. Wilkinson.

The Resident, Abeokuta Province, The Honourable E. N. Mylius.

The Resident, Cameroons Province, The Honourable R. J. Hook, D.F.C.

The Resident, Kabba Province, Captain the Honourable R. M. Downes, M.C.

The Honourable W. B. Dare, Commissioner of Income Tax (Extraordinary Member).

UNOFFICIAL MEMBERS

The Commercial Member for Port Harcourt (Provisional), The Honourable C. Paris-Jones.

The Third Lagos Member,

Dr the Honourable I. Olorun-Nimbe.

PRAYERS

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

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 12th of December, 1945, having been printed and circulated to the Honourable Members were taken as read and confirmed.

ANNOUNCEMENT

Clerk of Council.

In accordance with the Regulations made under the Nigeria (Legislative Council) Order in Council 1922 I am directed by Your Excellency to communicate the following report received from the Returning Officer for the Lagos Municipal area.

"It is hereby declared that at the election of a member of the Legislative Council of Nigeria to represent the Municipal area of Lagos, held this twelfth day of December, One thousand Ninehundred and Forty-five, votes were recorded in favour of the candidates as follows:—

Oluwole Ayodele Alakija	 	 375
Ibiyinka Olorun-Nimbe	 	 784
It is hereby further declared that		

Ibiyinka Olorun-Nimbe

has been duly elected a member of the Legislative Council of Nigeria for the Municipal Area of Lagos.

(Sgd.) C. MARTIN, Returning Officer.

12th December, 1945."

PAPERS LAID

The Hon. the Chief Secretary to the Government:

Sir, I beg to lay the following papers on the table :--

Sessional Paper No. 21 of 1945—Copy of a Despatch from the Secretary of State on Colonial Development and Welfare.

Sessional Paper No. 24 of 1945-Ten-Year Plan of Development and Welfare for Nigeria.

QUESTIONS

NOTE.—Replies to Questions No. 3 by the Honourable the Member for the Colony Division, No. 13 by the Honourable the Second Lagos Member, Nos. 48, 51 and 52 by the Honourable the Member for the Ibibio Division, No. 62 by the Honourable the Member for the Ibibio Division, Nos. 67 and 69 by the Honourable the Member for the Rivers Division, Nos. 73, 75, 77-80 by the Honourable the Member for the Colony Division, No. 86 by the Honourable the Member for Calabar Division, No. 95 by the Honourable the Member for the Ijebu Division, Nos. 104-105 by the Honourable the Member for the Ijebu Division, No. 109 by the Honourable the Member for the Ijebu Division, No. 110 by the Honourable the Member for the Ijebu Division are not yet ready.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

46. To ask :--

(a) How soon will Municipal Reforms be introduced in Calabar?

(b) What general improvements are contemplated by the Government for this historic city?

Answer_

His Honour the Chief Commissioner, Eastern Provinces:

(a) The need for changes in the Administration of Calabar Township and the form of any changes are under discussion by the Administrative Officers and the local interests concerned.

(b) The two most notable measures for the improvement of Calabar Township in the near future are the preparation of a town planning scheme by the Office of the Town Planning Adviser to the Resident Minister, and the projected installation of a Radio Diffusion Station. Dec. 13, 1945]

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

47. To ask :---

In view of the fact that there have been recently several condemnation, by the Health authorities, of cattle brought to the Eastern Provinces, by Cattle dealers from Bamenda, due to tuberculous infection and the imminent danger to innocent consumers of meat, in places where the Health Department is absent. Will the Director of Veterinary Services arrange to have all cattle inspected and treated before leaving Bamenda for the East?

Answer_

The Hon. the Director of Veterinary Services :

There is no treatment for tuberculosis in livestock. In the vast majority of cases of tuberculosis observed after slaughter, of either the localized or generalized types, no symptoms of disease were visible during life.

The test to ascertain whether or not an animal suffers from tuberculosis is applied normally to milk cattle only, it would not be economical to apply it to slaughter stock in most countries, as even the smallest focus of infection would give a positive reaction to the test. In England, for example, it is said that between 50 per cent and 75 per cent of cattle suffer from tuberculosis, to a lesser or greater degree, so that it is obvious there would be no meat supply were the test to be rigorously applied.

From the public health point of view it is considered sufficient to condemn the part of the carcase infected, unless the disease is generalized.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

49. To ask :---

In view of the fact that the opening of a road over the Calabar River to connect Creek Town with Calabar will be of great advantage to the people of Creek Town area and also enhance Local trade in Calabar, will Government be prepared to give financial aid to the people of Creek Town who have already embarked on opening that road?

Answer-

The Hon. the Chief Secretary to the Government :

(a) As only the most limited local interests would be served by such a road it does not appear a proper object for expenditure of Government funds.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer): 56. To ask:—

(a) For statistics of Juvenile delinquency since the arrival of the Welfare Officer, Calabar?

(b) A report of his activities in Calabar and the Calabar Province in general?

(c) Number of Ibibio juveniles dealt with for the last twelve months?

(d) In view of the fact that a Home has been acquired in Calabar, would Government consider the necessity of having Provincial Centres—say, a Girls' Home in Abak or a Boys' Industrial Home

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in Aro-Chuku—under the auspices of one of the Missionary bodies in those Centres to be subsidised by Government? and also the appointment of Assistant Welfare Officers in these Centres?

(e) Would Government take urgent steps to establish a Juvenile Court at Calabar?

(f) As one of the contributory causes of Juvenile delinquency in the country is the utter neglect of fathers not owning their children and leaving them entirely to their mothers, will Government not introduce something, with a slight modification, on the Abua Native Administration Registration of Marriages Rules, 1942, **Public Notice No. 44** of 1942?

Answer-

His Honour the Chief Commissioner, Eastern Provinces:

(a) Precise statistics are not available in respect of the first two months of the Welfare Officer's work at Calabar. From January to August, 1945, 91 juveniles were charged once each with various offences in the Magistrate's Court, Calabar, and 4 charged two or more times. All the juveniles charged were found guilty. Statistics for the period September to November are being collated but are not yet available.

(b) The Welfare Officer's main area of activity is at present Calabar Township but he makes occasional visits to Oron. His chief activities are to investigate the antecedents and environment of juvenile delinquents and to advise the Police and Magistrate on the results of his enquiries; to attempt to trace the relations of destitute and homeless children and arrange for their repatriation or maintenance: to supervise the after-care of persons discharged from prison and the Enugu Industrial School; to check abuses of child labour; to arrange for the care of helpless and convalescent paupers and to supervise the European and African Seamen's Hostels at Calabar.

(c) In the period January to August, 1945, 18 juvenile delinquents and 82 destitute children were dealt with.

(d) The question of the extension of welfare services in the Protectorate is under active consideration by Government and it has been decided to appoint a central co-ordinating officer for Social Welfare to the Central Secretariat. This officer will in due course make an extensive tour of the country in order to consult with Chief Commissioners and others with a view to drawing up a plan for Social Welfare Work in Nigeria. No further statement can therefore be made at present but it must be pointed out that shortage of staff may prevent for some time the setting up of the full organization envisaged.

(e) Government has under consideration the establishment of a Juvenile Court at Calabar.

(f) Measures designed to ascertain the identity of fathers of juvenile delinquents are desirable but Government doubts whether the rules cited by the Honourable Member would prove effective for this purpose since application is voluntary and not compulsory.

The Member for the Ibibio Division (The Hon. G. H. H. O'Dwyer):

60. (a) When did the Board of Education decide that Headmasters should be paid—Headmaster allowance? Dec. 13, 1945]

Council Debates

(b) How many Headmasters of Government Schools are in receipt of Headmaster's allowance as was decided by the Board of Education?

(c) If none why?

(d) If none, does the Department contemplate implementing this decision of the Board?

(e) Is Government aware of Mission Schools giving Headmaster allowance?

(f) Will the Director of Education, in awarding this allowance, be graciously pleased to do so retrospectively from the date of the decision by the Board?

Answer-

The Hon. the Chief Secretary to the Government :

(a) The Board of Education advised that Headmasters should be given an allowance in 1942.

(b) None.

(c) Headmasters of Government Schools are classified as Civil Servants, and allowances are paid in accordance with regulations affecting them.

(d) The Board of Education is an Advisory Body and does not make decisions. On the other hand, the question of the grant of Headmaster's allowance to Headmasters of Government Schools is under consideration by the Department.

(e) Yes.

(f) See (d).

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

70. (1) To ask: Is there a representative of Government living in the island of Fernando Po for the purpose of supervising the working of the agreement? if so,

(a) Does he compile a report showing the number of labour recruits?

(b) Number of those who have completed their contracts and demand their return home,

(c) Their complaints if any

(d) The number of deaths and their causes.

(2) Will Government be pleased to place on the Table of the House any report from its representative on the spot?

(3) What is the total number of Nigerian labourers in Fernando Po up to date as from the time Government entered into agreement to regularise labour recruits to that island? The total number per month—per year?

(4) The total number who have returned per month—per year? How many of the labourers have completed their contract and returned home?

(5) What is the state of health in which they returned as certified by medical examination? If no medical provision for their examination on return, why? Will Government therefore provide such examination in order to know what state of health the men return home in the best interest of the men and their family? What is the total number of death and their causes per month—per year?

(6) What are the details of the condition of service, wages ration housing, medical attention etc.? How does this compare with the wages of Nigerian Government workers?

Answer-

The Hon. E. A. Miller (Commissioner of Labour):

(1) (a)-(d) Yes.

(2) No. The practical difficulties entailed in compiling such a report would out-weigh the benefits if any. The Honourable Member is however assured that all cases of ill-treatment, injustice and breaches of the contract are carefully considered and representations for redress are made to the Spanish Government as necessary.

- (3) In 1943-1,304 (May-December) i.e. 163 per month.
 - In 1944-1,430 (January-December) i.e. 119 per month.
 - In 1945-1,822 (January-September) i.e. 202 per month.

Total = 4,556

- (4) In 1943 (May-December) 43 labourers an average of 5 per month.
 - In 1944 (January-December) 22 labourers an average of 2 per month.
 - In 1945 (January-September) 562 labourers an average of 62 per month.

(5) The health of returning labourers is usually good. The Medical Officer of Health, Calabar, makes the usual inspection of passengers before disembarkation and cases of serious illness are reported to Government. It is not considered necessary at present that any special medical examination need be undertaken.

The total number of deaths for the three years is 61, that is an average of 20 per year and 2 per month. 11 deaths were from meningitis and 50 from other natural causes.

(6) The wages paid to labour at Fernando Po is 35 pesetas and 50 pesetas at Rio Muni *i.e.* 14s and £1 respectively. In addition to the above wages, the worker receives the following ration of food free of charge:—

600	grammes	of	rice
250	3.9	33	salt fish
65	33	,,,	palm oil
20	22	33	salt,

and an adequate supply of vegetables and edible fruits. All contract labour is also provided with rent-free quarters.

The wages paid including the above rations to labour at Fernando Po compare with the wage rate of 9d per diem (excluding COLA) paid to Government labour in those areas of Eastern Provinces from which the labourers are recruited. Dec. 13, 1945]

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

71. To ask:

(a) If the object of the Development Committee is to develop the interests of the African populace in every Province in Nigeria, to ask whether the government would take steps to have more articulate Africans to represent the interests of members of the African community in Plateau Province Development Committee?

(b) How many permanent members at present constitute Plateau Province Development Committee and how many of the members are Africans and how many of them are Europeans? When was this Committee formed and when did Africans start to serve on it, either as permanent or as co-opted members. Are there any reasons why they were not serving since the formation of the Committee?

(c) Is it not a fact that the Plateau Province Development Committee in September last year under the chairmanship of Mr J. J. Emberton, Resident, Plateau Province, described the Southern Provinces population living in Plateau Province as "Immigrant people" and "Immigrant population" and that the said Committee composed of Europeans only favoured the encouragement of the Southern Provinces people to return to their respective districts?

(d) Did the Plateau Province Development Committee in pursuance of an alleged economic position decide in September last year that there will be " no room for the settlement of the Southern Provinces people on the land of the local tribesmen and that any industries which may be set up in the area should if possible be designed to give employment to the indigenous people?

Answer-

The Hon. the Chief Secretary to the Government :

(a) The African community is represented on the Plateau Provincial Committee by one representative of the Southern element of the local population and one representative of Moslem interests. The vast majority of the local indigenous African population have not reached the stage where their representatives would be effective members of the Committee but care is taken to ensure that their interests and views are put before the Committee through normal Administrative procedure. It is not intended to increase the membership of this Committee at the present moment.

(b) The Committee as at present constituted is composed of nineteen members two of whom are Africans and the remainder are Europeans. The Committee was established on the 15th June, 1944. The two African members were appointed on the 21st of April, 1945 in accordance with the policy of increasing African representation on such committees.

(c) On the 8th of September, 1944 the Committee drew a distinction for development purposes between the indigenous inhabitants of the Plateau and immigrants. The latter include the large non-indigenous community of Northern Provinces natives, the Fulani herdsmen and all persons from the Eastern and Western

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Provinces. The Committee's recommendation regarding the policy to be followed in respect of the immigrant population read as follows :--

"Almost the entire immigrant population depends economi-

cally, either directly or indirectly, on the mining industry. It is impossible to say what the future of these immigrant towns and settlements will be when mining activities are curtailed or eventually cease altogether, but the committee is in favour of encouraging the inhabitants to return to their own districts. Since many of them were born in the area this may present difficulties, but there will in any case be no room for their settlement on the land of the local tribesmen and any industries which may be set up in the area should, if possible, be designed to give employment to the indigenous people."

Given the acute shortage of arable land on the high Plateau and the likelihood that the number of persons employed in the mining industry will decrease it appears inevitable that a part of the immigrant population will in future years have to seek employment elsewhere.

(d) Please see reply to part (c) of the question.

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

72. To ask: How many members constitute the Provincial Development Committee in each of the following Provinces and how many members in each case are Africans and how many members are Europeans: Adamawa, Bauchi, Benue, Calabar, Kano, Niger, Owerri, Plateau, Sokoto and Zaria.

Answer-

The Hon. the Chief Secretary to the Government :

African Total European Province Membership Membership Membership 18 8 Adamawa 26 5 Bauchi 19 14 7 Benue 24 17 . . Calabar 20 14 6 . . 17 13 4 Kano . . 7 17 24 Niger 22 16 6 Owerri . . Plateau 19 17 2 . . Sokoto 34 20 14 . . 5 Zaria 18 13

The information is as follows :-

. .

The Member for the Rivers Division (The Ven. and Hon. Archdeacon E. T. Dimieari):

76. Has any African Judge ever been posted to administer justice in the Northern Provinces, of Nigeria. If the answer is in the affirmative to ask in what Province or Provinces; and if not why not?

Dec. 13, 1945]

The Hon. the Chief Secretary to the Government :

No African Judge has yet been posted to the Judicial Division which comprises the whole of the Northern Provinces but Mr Justice Jibowu held a session at Makurdi in 1942 when he was acting at Enugu; his appointment dates from 1942, when he was posted to Warri.

Section 36 of the Supreme Ccurt Ordinance (No. 23 of 1943) provides that the Chief Justice shall direct one or more Judges to sit in one or more judicial divisions.

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

85. (a) Is the Director of Education aware of grave discontent among Government teachers because of non-promotion and the consequent congestion and stagnation in the different grades?

(b) If so, what steps are being taken to ameliorate the situation? Answer—

The Hon. the Chief Secretary to the Government :

(a) The Director is aware that there is discontent with the present grading by which promotions depend on vacancies.

(b) The possibility of a more flexible grading has been under consideration by the Department but this is a matter which also concerns other Departments of Government.

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

87. Does the Director of Education know of the existence of the Association of Nigerian Government Teachers and Masters and have steps been taken to confer with them in order to find out their views on vital educational questions and problems as far as teaching in the class rooms, etc., are concerned?

Answer_

The Hon. the Director of Education:

1. Yes, Sir.

2. The Association is entitled to put its views before the Director.

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

88. Are Government School teachers classified as members of the Nigeria Civil Service? if so are their privileges and prospects on a par with those of the members of the Nigerian Civil Service of other Departments?

Answer-

The Hon. the Chief Secretary to the Government :

Yes, Sir. Their privileges are the same as those of other members of the Nigerian Civil Service. Their prospects depend on their qualifications and abilities.

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

89. (a) What is the number of teachers in Government Schools in the Headmasters' Grade?

(b) If none, has that grade been abolished?

(c) If so, why?

Answer-

The Hon. the Chief Secretary to the Government :

(a) None.

(b) Yes.

(c) In 1927 the Headmasters' Grade was replaced by a Grade called 'African Superintendent of Education.'

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

90. Since the Public Works Department started the scheme for the training of Africans with good educational attainments in the theory and practice of Electrical Engineering (*vide* Gazette No. 14 of March, 1926) how many Africans have been trained under this scheme and how many of them thus trained have qualified in—

(a) Power Station Practice?

(b) Transmission and Distribution Work?

(c) Both Power Station Practice and Transmission and Distribution Work?

Answer-

The Hon. the Chief Secretary to the Government :

Seventeen have been trained and two are at present in training. The Africans trained have not reached a standard such as would enable them to acquire the academical degrees required by Government for professional Engineers.

(a), (b) and (c) None qualified.

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

91. (a) What technical schools did these men pass through? If no technical school, how did they obtain their technical education?

(b) Did Government show appreciation of these men's efforts?

(c) If so, in what way?

(d) Have they been promoted or remunerated in any way?

(e) If not why?

Answer-

The Hon. the Chief Secretary to the Government :

(a) Assuming that the persons referred to are the same as those referred to in Question No. 90, 9 passed through the Marine Department Technical Institute before joining the Public Works Department Electrical Branch for training as Electricians. The remainder obtained their technical training with the Electrical Branch.

(b) Yes.

(c) Opportunity was afforded for advancement to higher grades within the approved establishment.

(d) Yes subject to satisfactory work and conduct.

(e) Does not arise.

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

92. (a) How many Africans solely trained in the Electrical Branch of the Public Works Department have been placed in charge of responsible duties independently such as—

(a) Construction and Wiring Schemes?

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(b) Power Stations, Distribution and Electrical undertakings as a whole?

(b) Will the Director of Public Works indicate in which stations these men were located as officers in charge and at what salary?

(c) How many of these men are on the grade of $\pounds 220$ per annum?

(d) How many of them have passed promotion examinations for a higher grade and when?

(e) How many of those who have been successful in the promotion examination have been actually promoted?

(f) Is it a fact that all those who did pass were not promoted? If so, why not?

(g) Will Government give an assurance that a pass in any promotion examination will be rewarded by actual promotion?

(h) Will Government give an assurance that departmental examinations for promotion to Engineer or Assistant Electrical Engineer grade will be instituted for Africans who aspire to such posts?

Answer-

The Hon. the Chief Secretary to the Government :

(a) None. Electricians are responsible to and supervised by a Public Works Department Engineer at all stations.

(b)-(f) Do not therefore arise.

(g) The passing of a promotion examination only renders a man eligible for promotion. Actual recommendations for promotion must depend upon satisfactory work and conduct, character and ability to carry out the duties of the higher post.

(h) Departmental examinations qualifying for promotions to the grade of Engineers, Grade IV are already instituted. Promotion to the grade of Electrical Engineer is contingent upon candidates qualifying as a Graduate Member of the Institute of Electrical Engineers (United Kingdom) or recognised equivalent qualification, and possessing the requisite executive ability. It is not possible to institute departmental qualifying examinations for the post of Electrical Engineer.

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

93. (a) What provisions for transport allowance have been made for the Public Works Department Electrical Branch in Nigeria on:—

(i) Bicycle

(ii) Motor cycle

(iii) Motor car

(b) How many members of the Staff (Africans and Europeans) are drawing allowances from (i), (ii) and (iii) respectively?

(c) Are Africans in responsible duties involving travelling under all weather allowed car allowance or such facilities as in other departments? If not why?

Answer-

The Hon. the Director of Public Works:

(a) The appropriate allowances have been approved for the following numbers of duty posts :---

- (i) 95
- (ii) 16
- *(iii)* 30
- (b) (i) Africans 94: Europeans 1

(ii) — Africans 16

(iii) — Africans 2: Europeans 29.

(c) Yes.

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

94. (a) In 1944-45 how many Junior Technical Staff have been promoted Senior Technical Staff in these branches:--

(1) Electrical Engineering?

(2) Mechanical Engineering?

(3) Civil Engineering?

(b) How many Senior Technical Staff have been promoted Engineers in :--

(1) Electrical Branch?

(2) Mechanical Branch?

(3) Civil Branch?

(c) What examinations has each of those promoted passed?

(d) If promotions were made without examination will the Director of Public Works state on what grounds were the promotions justified?

Answer_

The Hon. the Chief Secretary to the Government :

(a) (1) Three (from Power Station Attendant Grade I to Senior Power Station Attendants).

(2) Nil.

(3) Three (2 Architectural and 1 Civil).

(b) Nil.

(c) (1) Electrical Branch: All three passed the Departmental Examination.

(2) Mechanical Branch: None.

(3) Civil (Architectural): None.

(d) Technical ability, character, satisfactory work and conduct and length of service.

The Member for the Ijebu Division (The Hon. T. A. Odutola):

96. To ask the Honourable the Director of Medical Services:----In view of the large and increasing volume of work at both the European and African Hospitals at Port Harcourt whether, instead of the present strength of one single Medical Officer and two Assistant Medical Officers, he does not consider it advisable to post to that station two separate Medical Officers, one to be in charge of the European Hospital and the other in charge of the African Hospital, in addition to the Assistant Medical Officers?

Answer_

The Hon. the Director of Medical Services:

The extreme shortage of Medical Officers precludes the posting of two Medical Officers to Port Harcourt at present. Dec. 13, 1945]

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

97. (a) How many Junior Technical Staff Grade I took promotion examinations for Senior Technical Staff Grade II in 1943 and 1944?

(b) What were the number of passes in those examinations and what were average marks obtained by each candidate?

(c) How many of those who sat were promoted (with names if possible)?

(d) Was promotion made in order of merit?

(e) If not why?

(f) How many of those who passed were not promoted?

(g) Will the Director of Public Works make a satement to show how many of those who passed were refused promotion, and on what grounds?

Answer-

The Hon, the Chief Secretary to the Government:

On the assumption that the question refers to the Electrical Branch, the answers are as follows:---

(a) Four.

(b) Three. 63.7%. 56.9%. 55.2%.

(c) Two.

(d) Yes.

(e) Does not arise.

(f) One.

(g) One. It is not considered desirable to make the grounds public.

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

98. (a) What class and grade of African Staff of the Nigerian Railway were paid overtime during 1944 and 1945 (up to September, 1945)?

(b) Will the nature of their duties be indicated?

Answer_

The Hon. the General Manager of the Railway:

(a) Overtime where ordered was paid to the following classes and grades of African Staff during 1944 and 1945 :---

FIXED ESTABLISHMENT

SubPermanent Way	Inspectors,	Grades	
I, II, III SubInspectors of	Works,	Grades	As specifically
I, IÎ, III	-		ordered in spec-
Headman, Permanent	Way		ial circumstances.

Headman, Permanent Way Headman, Works

Chainman,

Apprentices Permanent Way or Signal

Shop Foremen, Assistant Shop Foremen, Grades I and II, Chargeman, Artizans, Grades I and II, Other Tradesmen, Shop Apprentices, Running Shed Foremen, Assistant Carriage and Wagon Inspectors, Grades I and II, Assistant District Boilermakers, Grade I;

Inspecting Electricians, Grade I, Assistant Running Shed Foremen, Grades I and II, Assistant Electrician, Grade II. Weighbridge Foremen, Grade II, Electrical Chargemen, Steam Crane Drivers, Crane Drivers.

Station Staff (Payable only in execeptional circumstances). Wharf Staff

Junior Assistant Railway Printer

Printing Technical Staff, 1st Grade Printing Technical Staff, 2nd Grade and Artizans Printing Technical Staff, 3rd Grade and Probationers Ticket Printers Della C

Roller Caster

Machine Attendant Time Recorders

Ticket Counters

DAILY AND MONTHLY RATED

Blowers, Headmen, Skilled Labourers Strikers, Track Labourers, Yard Labourers Anti-Mosquito Scout

Firemen

Helper Artizans, Labourers Rivet Neaters, Tally Issuers Temporary Artizans, Temporary Other Tradesmen, Boxmen, Carriage Washers

Cleaner Probationers, Coalmen, Plank Boys.

(b) The designations of the posts indicate the nature of the duties except in the case of :-

(i) Artizans, Grades I and II which includes :----

Blacksmiths, Blasters, Carpenters, Fitters, Masons, Mechanics, Painters, Plumbers, Signal Fitters, Steel-Mechanics, Painters, Plumbers, Signal Fitters, Steel-ware Erectors, Welders, Anglesmiths, Boilermakers, Cabinet Makers, Coach Builders, Coach Furnishers, Coppersmiths, Boremakers, Electricians, Erectors (Engine), Fitters (Engine), Machinists, Millwrights, Moulders, Paintmixers, Patternmakers, Platers, Polishers, Progressmen, Saw Doctors, Sawyers, Spring-smiths, Tinsmiths, Toolsmiths, Turners (Lather), Upholsterers, Wagon Builders, Wagon Repairers, Welders, White Metallers, Wire Rope Splicers, Sailmakers Motor Fitters Vulcanizers Sailmakers, Motor Fitters, Vulcanizers.

Builders, Cranemen, Cupolamen, Fitters, Furnacemen, Greasers, Hammermen, Lorry Checkers, Plant Attendants, Saw Sharpeners, Tool Dressers, Tubers, Tube Repairers, Shunters, Auto Truck Drivers, Holders up, Lighters up, Scalers, Strikers, Overseers, Engine Turners, Head Cleaners, Head Coalmen, Ice Plant Attendants, Washoutmen.

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

99. (a) What overtime payments have been refused in the Public Works Department, Electrical Branch, during the periods 1944-45 (up to September, 1945)?

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(b) What was the class and grade of the African Staff to whom overtime payment was refused?

(c) Did these men actually work overtime?

(d) Will the Department of Public Works now allow overtime to be paid to the grade of African Staff concerned and continue to pay for overtime actually worked?

Answer-

The Hon. the Director of Public Works:

(a) Overtime claims which did not comply with Financial Instructions and Public Works Department Code.

(b) Junior Technical Staff (Electricians), Power Station Attendants and others.

(c) Not as defined by Financial Instructions and the Public Works Department Code.

(d) If a claim is not in accordance with Financial Instructions payment cannot be made.

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

100. (a) What provisions have been made for the training of Electrical wiring apprentices in :--

(a) Lagos?

(b) Eastern and Western Provinces?

(c) Northern Provinces?

(b) Why are boys in Calabar and other places not locally recruited for training in electrical work?

(c) Will Government consider the advisability of recruiting men for training locally where there is an Electrical undertaking?

Answer-

The Hon. the Chief Secretary to the Government :

(a)—(a) Lagos—Until recent years indentured apprentices received training in wiring installation work under the supervision of qualified staff. Scarcity of qualified staff has however made it necessary to suspend such training temporarily.

(b) and (c) Adequate facilities for training apprentices have not been available in the smaller undertakings.

(b) See (b)-(c) above.

(c) Yes, when adequate facilities for training can be reestablished.

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

101. (a) Has Government any scheme for further training of Africans in the Public Works Department Electrical Branch?

(b) Will the Director of Public Works consider the advisability of recommending deserving members of the African Staff of the Electrical Branch for overseas Scholarships to enable them to qualify as Electrical Engineers?

Answer_

The Hon. the Chief Secretary to the Government:

(a) A scheme has been prepared for re-starting training but awaits the recruitment of the necessary professional staff,

(b) Yes, Sir.

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

102. Will the Director of Public Works consider the immediate need of opening a course for Electrical Engineering in order to afford Junior Technical Staff an opportunity for further and advanced training?

Answer-

The Hon. the Chief Secretary to the Government :

The answer depends on what the Honourable Member means by Electrical Engineering. If it is a question of enabling Junior Technical Staff to become eligible for promotion to Senior Technical Staff, facilities already exist. If it means training with a view to becoming professional Engineers it is not possible for this Department to institute courses, and facilities will depend on the provision of University training in West Africa.

The Member for the Ijebu Division (The Hon. T. A. Odutola):

103. To ask the Honourable the Director of Medical Services :---

Whether he does not consider the time now ripe to train two or three African Medical Officers in general medical administrative duties by posting them to under-study, or act for, European Senior Medical Officers with a view to eventual promotion to the substantive post of Senior Medical Officer, as is done in the case of European Medical Officers and in other Department?

Answer-

The Hon. the Director of Medical Services:

Yes and the posting of an African Medical Officer to administrative duties will be arranged as soon as the extreme shortage of Medical Officers for clinical duties is relieved. The Honourable Member is no doubt fully aware that clinical work must take precedence.

MOTION

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

Your Excellency, I rise to move the following :-

"That the Ten Year Plan of Development and Welfare for Nigeria set out in Sessional Paper No. 24 of 1945 be referred to a Select Committee of this Council for report and recommendations."

Before proceeding to deal with the Plan itself, Sir, I should like to explain the procedure which it is proposed to follow in connection with this particular motion. The original intention was that this Plan should be placed before members some four or five weeks ago, but as I explained the other day, there were delays in getting certain matters adjusted with the Secretary of State, and it was not possible to publish the Plan until the Secretary of State's despatch, which concerns the general policy of application of the monies under the Colonial Development and Welfare Act, had been placed before Parliament. That took place yesterday afternoon, and it was therefore not possible to place the despatch and the Plan before Honourable Members until yesterday evening.

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The intention is, if the Council agrees, to pass this Plan to a Select Committee which will sit during January and consider the Plan in detail, when it will be brought back to a resumed meeting of Council in the first week of February, and when Honourable Members will have the opportunity of comment and discussion. I understand, Sir, that it is your intention that all Unofficial Members should be appointed to that Select Committee so that everyone on the other side of the House will have the opportunity of criticizing and making suggestions for amendments or additions to the Plan.

There are three Bills which are to be dealt with this morning, which are closely interlocked with the Plan itself, and it is the intention, if this House agrees, that those three Bills should be taken to the second reading and then referred to the same Select Committee. Perhaps in those circumstances Honourable Members will not find it necessary to enter into long discussions on the motion which is now before the House.

The Plan which is now presented is an extension and expansion of the general theme underlying the preliminary proposals which were put before this Council at the last meeting—Sessional Paper No. 6. At that time I explained the lines on which planning was proceeding, and stated that at a later time in 1945 the full proposals would be put forward. Since the last meeting of the Council considerable discussions have taken place, both here and in London, and there has also been voluminous correspondence with the Secretary of State and his Advisers on the whole subject of this Plan.

You will see that it is called a "Ten Year Plan". It is the view of this Government that we should, for a country of this size, plan at least on a 'ten year basis. The fact that we are planning on a ten year basis does not necessarily mean, however, that every detail which is contained in this present plan will be followed out to its absolute completion as originally laid down. A plan of this sort must be a master plan or plan of campaign which can be modified as time goes on to meet the results of experience, fluctuations in the financial position, and allow the addition of new ideas as may come along as the work progresses. I regard it, and I think everyone else does, as important that we should have flexibility in this work. and therefore this plan, as laid before Council, is intended to be a series of main objectives. Those objectives, in so far as the local details are concerned, will be worked out annually as we go along. and they will have to be co-ordinated on a provincial, district and village basis, so that the very maximum advantage may be got out of the several master schemes.

In order to bring that about, Your Excellency has appointed a series of committees or authorized Chief Commissioners to do so. We have, first of all, the Central Development Board. That Board consists of a group of Government officials. The reason for having a small official board, is so that it can be the general controlling

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agency, subject to the approval of the Governor, of the allocation of funds which are involved in this Plan. I do not wish to suggest that the Central Development Board in any way will not be in proper relation to this Council, but I mean in relation to the expenditure of those monies available it will be the agency finally preparing the lists of priorities and distribution of the programme of work. In other words it will be the final filtering agency to put forward the proposals for programmes to Your Excellency and then to this Council.

The next stage are the Area Development Committees, who are advisory to the Chief Commissioners. They will advise in regard to priorities and allocations as between Provinces, but again only dealing with the major outline of the work. The real detailed planning will be done by the Provincial Development Committees, each of whom is headed by the Resident as Chairman, and on which the various Departments concerned with development are fully represented, the non-official element, both European and African, are represented, and wherever there is a member of this Council in that Province, he is an *ex officio* member of the Provincial Development Committee.

That, then, is the main organization. The master schemes are laid down from above. The local detail is worked out below at the provincial level. The Provincial Development Committees will also be putting forward schemes for local development which will go up to the Area Development Committee, and the Central Development Board for approval, and for provision of finance where assistance is needed to supplement funds which are available from Native Administration surpluses and accounts.

The whole plan represents a form of co-operation and co-ordination which must be carried out by all. You have stated on a previous occasion, Sir, that the Administrative Officer will be at all times the head of the team. The Administrative Officer, therefore, will be accepting an obligation to ensure that co-ordination of the work is carried out amicably and rationally. The Departmental officers will to a large extent have to deal with the executive work in their particular spheres, and therefore they will have to be assisted in every possible way by the Administrative Officer.

So much for the Government side, of the local problems; but outside of these Government officers, the unofficials will have to assist in the same way, Sir. Honourable Members on the other side are asked to assist Government in bringing about the accomplishment of this Plan, not merely by criticism from a parochial point of view, but with that broad vision needed for Nigeria as a whole.

The Plan covers a large amount of expenditure. But I trust that no-one will go away with the idea that that expenditure is merely manna from heaven and that you have merely to hold out your hand and the money will fall in. The expenditure, particularly that which is coming from His Majesty's Government in the United Kingdom, is for the purpose of helping those who are

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prepared to help themselves. It is, therefore, very necessary that a rational outlook should be taken by everyone concerned with the development of this country to ensure that the people in the Provinces and in the towns are prepared to shoulder their proper proportion of the responsibilities connected with development, and not merely sit back and hope that money will be supplied for their benefit without their taking any responsibility as to maintenance of the facilities provided.

The essential part of this Plan is that an initial impetus is given to this country which it is hoped will improve the economic condition of the people so that they will not only be able to maintain those developments in the future but expand them as the result of the economic benefits, which will accrue from the Plan itself. In other words, not only has this Council to look to the future as to how much it will cost to maintain development schemes, but Native Authorities will also have to regard the subject in the proper light and within their own spheres.

I don't imagine that all Members have had time to read the Plan. Possibly they have, however, managed to read the summary which is inside the front page, or they may even have listened to the radio diffusion last night. I don't propose, however, to go into any great detail at this stage. There will be ample opportunity for discussion in the Select Committee, and I think that members can rest assured that all facilities will be given to them for discussion, and for the provision of information as far as we can possibly give it.

There is one thing, however, I would again repeat. Don't let us be parochial in dealing with this Plan because it is for Nigeria as a whole. The general theme of the Plan is for the betterment of the people, the improvement of their health, their bodily condition, the condition of their minds, and their conditions of life, so that with those improvements they may be able to participate in the economic proposals which will build up a better financial position for them.

I might say that if we are only to deal with health services, educational services, and matters of that sort, recognizing that they will be a permanent charge against the revenue, we should probably be wasting our time and running headlong into bankruptcy. Unless simultaneously we were making arrangements for improved economic conditions so that the people would be able to take advantage of their better health so as to improve their own econmic wealth, and incidentally pay more taxes towards the services which the Development Plan is going to initiate.

The future of the commercial economy of this country is of the greatest importance. The Plan envisages certain forms of industrialization, but I should like to make it quite clear that it does not envisage Nigeria becoming a country of factories with multitudes of chimneys belching forth smoke and producing a mass of manufactured goods. I have no doubt that as time goes on approved very largely on the lines set out, but that in any case criticisms or suggestions of the Advisory Committee would be available for consideration at the Select Committee of this House when it deals with this Plan.

There is the scheme for technical and vocational training which is of such fundamental importance to all departments. The training of artizans and craftsmen in the building trades, carpentering, smithing, and all of the trades which are of importance, not only to the development plan itself, but to the development of the country.

The other schemes I won't go into in detail at this stage because they can be discussed during the Select Committee's meetings to consider this Plan.

There is one point which I do want to emphasize, and that is in connection with the small schemes which cannot be dealt with in a Plan of this sort. Provision has been made for the setting up of a special board, to be known as the Nigeria Local Development Board, and a Bill is being introduced this morning to provide the necessary legislation. The idea is that that Board should be set up so that certain portions of the money which we have available in connection with this Plan shall be used either as grants or as loans to Native Authorities, Co-operative Societies, planning authorities, and other suitable bodies approved by the Governorin-Council. The intention is that for those smaller schemes, which can only be thought of on a local basis and only be drafted by Provincial Committees, there will be the necessary means for their consideration and financing. The Board will not, of course, be a charitable institution. The intention is that it should look upon these schemes on a business-like basis, but where a claim is deserving a grant should be recommended.

In conclusion, then Sir, I come to the all-important matter and that is the provision of finance for these schemes. A Plan of this sort, as I said before, must of necessity be flexible, and therefore any assessment of its cost at this stage may only be an intelligent guess, probably a little bit better, but in any case only a rough estimate. We may find that basic costs will increase or decrease during the 10 year period. We may find that we may have to cut down on certain items, and increase the tempo on others. But I think the figures shown in the Plan are, roughly speaking, a fairly good assessment of the cost of programme. The figure, over the ten years, will be about £55,000,000. That will not complete all the work contained in these schemes. There will be, in some cases, two or three years' additional work after 1955-56. The financingof that will have to be considered when the time comes because I think at this stage ten years is as far as we can look ahead.

Now towards that £55,000,000 we have first of all that most generous contribution from His Majesty's Government through the Colonial Development and Welfare Act of £23,000,000.

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(Applause). When you look at the Secretary of State's despatch which has been laid on the Table of the House this morning, you will see that of the £120,000,000 provided under the Act, £85,500,000 is being allocated directly to the Colonies; £11,000,000 is being kept in reserve for afterthoughts, and £23,500,000 is being reserved for centrally organized schemes and for research schemes. All of those Nigeria will also be eligible to participate in, and no doubt we shall have a great deal of benefit in addition to this £23,000,000 provided directly to the dependency. £23,000,000 out of £85,500,000 is, I think you will find, a little more than 25 per cent of the total amount given to all the Colonies. Nigeria is in fact the only dependency which is being given an amount which runs into double figures of millions, and I think we have been treated extremely generously.

The fact that £23,000,000 has been provided, however, does not mean that we have it to spend exactly as we like. The Secretary of State has agreed to certain schemes being made, and he has given an undertaking for the provision of funds for the first five years. Those amounts, however, will be subject to annual review by sending to the Secretary of State in advance the details of proposed expenditure, in the form of the Colonial Development and Welfare head of the Estimates, for his approval or modification where required.

He has also given an indication that in many cases he will be prepared to continue to support such schemes in the second five years, but he desires to keep the subject open so as to watch developments to see that money is applied in the best way possible. Whatever happens however we shall still get the £23,000,000 during the ten years.

The present proposals for expenditure during the first five years will be found on page 39 of the Plan, from which you will see that £9,750,000 is expected to be provided from the Colonial Development and Welfare Vote during "the first five years. That is in addition to the amount which was provided last year and during the current financial year.

On the opposite page, page 38, members will see the expected details of over-all expenditure during the ten year period, and assuming we keep to the Plan as it stands at present, this expenditure of $\pounds 9,750,000$ from the Colonial Development and Welfare Vote in the *first* five years will still leave some $\pounds 13,000,000$ for expenditure during the *second* five year period.

I would like to point out, in connection with leaving such a large reserve, as it were, for the second part of the Plan, that it will be of material assistance to have that money available should Nigeria fall on bad times and the revenue be unable to maintain the full development 'tempo at present envisaged. In other words this Colonial Development and Welfare money will not only be of am glad that events have so turned out that I have to deal with the more acceptable and less controversial subject first.

From the monumental Sessional Paper on Nigeria's Ten Year Plan now before Council and from the exposition of that Plan given this morning by my Honourable Friend the Development Secretary, this Council will have learned that the monies required to implement the Plan are to be drawn from main three sources: The Parliamentary Vote for Development and Welfare, Nigerian Revenues and Loan Funds. The forecast is that over the ten year period covered by the Plan, loan funds approximating to £17,000,000 will be required. Of this about £8,000,000 will be required during the first five years, and the enactment of this Bill, which apart from the special reference in the preamble to the Nigeria Ten Year Plan of Development is in the normal form for such Bills, will give the necessary authority to enable this Government to raise in due course this first instalment of the Development Loan Funds.

It is not proposed, Sir, to raise this loan until either 1948 or 1949. There are two main reasons for deferring for two or three years the actual flotation of the loan. Firstly, it is the policy of His Majesty's Treasury, in pursuance of its aim of obtaining low rates of interest, to restrict the amount of new money raised on the London markets within as narrow limits as possible. Naturally too, Nigeria is not the only would-be borrower and the present time would not be an opportune time to throw the London money market open to unlimited and competitive borrowing. Secondly, Nigeria is fortunately in a position to begin this new phase in its history with resources ample enough to enable it to finance the loan programme for a year or two without recourse to borrowing. Honourable Members will, however, readily appreciate that even though borrowing on the London market will not take place for two or three years, it is necessary to place the Development Loan Ordinance on the statute book to enable an announcement to be made.

During the period which must elapse before the loan is raised, the cost of loan works will be charged against surplus balances and reserves by means of advances authorized by resolutions of this Council. Later in this meeting, I shall move the first resolution of this type relating to two projects which are to be undertaken at once; this will be the first of a series of financial resolutions to be moved at meetings of Council during the period in question. It is hardly necessary to add that normally the first approach will be to the Standing Committee on Finance and Council will be invited to give covering sanction to the action of its Committee.

The terms on which the loan monies will be raised cannot, of course, be settled at this stage and it would be neither proper nor prudent of me to be at all precise on this point. There is, however, good reason to believe that favourable terms will be procurable and as I shall explain later, it is not too sanguine to hope that we shall begin the new decade in 1950 with our public debt charges actually less than they are at present.

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The schedule is, of course, the most important part of a Loan Ordinance. I do not, however, propose to discuss the merits of the schedule beyond remarking that many of the projects will be directly remunerative, while the others will be indirectly so. My reason for not entering into the merits of the schedule is twofold. The schedule constitutes an integral part of the Ten Year Development Plan and its exposition falls within the responsibility of my Honourable Friend the Development Secretary. As the schedule is a part of the Plan it is proper that it should receive consideration by the same Select Committee as will consider the Plan and other related measures. I have Your Excellency's permission to move after the conclusion of the second reading of this Bill that it should be referred to the Select Committee in question. A review by me at this stage of the schedule is, therefore, not only unnecessary but out of place.

The Council will very naturally relate the Development loan proposals to the general question of Nigeria's public debt. The funded public debt of Nigeria amounts to just over £25,000,000. It so happens that the earliest optional dates of redemption of three of the four loans constituting the debt fall due during the period 1947-1950. The total public debt represented by these three loans amounts to £14,876,599 and the aggregate estimated value of the statutory sinking funds on the earliest dates of maturity totals £14,484,846. That means that if the Nigerian Government is to exercise its option of redemption at the first dates, it will have to raise loans in conversion amounting approximately to $\pounds 10,500,000$, though this figure may be somewhat reduced by limited drawings on the supplementary sinking fund. At first sight this might seem an embarrassing feature in our financial position; it might seem unfortunate that during a period when we intend to raise some £8,000,000 as a first instalment for development, we should also have to find loan money to redeem the outstanding portions of three loans. Actually, far from being embarrassing, this circumstance is one that we should recognize as fortunate. Of the total of nearly £15,000,000 falling due for first redemption during the years 1947 to 1950, £6,363,226 carries interest at the rate of 6 per cent and the remainder at the rate of 5 per cent. If, as we have every reason to hope, we can raise loans in conversion of the portion uncovered by the statutory sinking funds at a much lower rate of interest, our public debt charges, even taking into account the new charges which will be incurred in connection with the first instalment of the Development loan, will be less than at present: possibly by as much as £140,000 a year. This figure is, of course, an estimate which no one could possibly guarantee but it is a reasonable estimate and it serves to establish my point that there is nothing imprudent in the proposal to raise £8,000,000 as a Development loan during this period. Special legislation will not be required for the financing by conversion of the uncovered portion of the three loans which I have referred to. The necessary portion will be carried through under the Nigerian General Loan and Inscribed Stock Ordinance.

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BILLS

(Second Readings and Committee Stage)

THE NIGERIA TOWN AND COUNTRY PLANNING ORDINANCE, 1945

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

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

"An Ordinance to make provision for the Replanning, Improvement and Development of different parts of Nigeria."

The Hon G. L. Howe (Solicitor-General):

Sir, I beg to second.

Bill read a second time.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

Sir, I beg to move that the Bill which has just been read a second time be referred to a Select Committee, and suggest it be the same Committee as that previously announced for the Development Plan.

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill referred to Select Committee.

THE DEVELOPMENT LOAN ORDINANCE, 1945

The Hon. the Financial Secretary :

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

" An Ordinance for raising the sum of Eight Million Pounds."

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

Sir, I rise to second.

Bill read a second time.

The Hon. the Financial Secretary :

Sir, I beg to move that the Bill which has just been read a second time be referred to a Select Committee, and suggest it be the same Committee as that previously announced for the Development Plan.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

Sir, I beg to second.

Bill referred to Select Committee.

THE NIGERIA LOCAL DEVELOPMENT BOARD ORDINANCE, 1946

The Hon. F. E. V. Smith, C.M.G. (Development Secretary):

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

"An Ordinance to provide Facilities for Grants and Loans to Certain Bodies for the purposes of Public Utility or Development and to establish a Board for such purposes."

The Hon. G. L. Howe (Solicitor-General) :

Sir, I rise to second. Bill read a second time.

The Hon. F. E. V. Smith, C.M.G. (Development Secretary) :

Sir, I beg to move that the Bill which has just been read a second time be referred to a Select Committee, and suggest it be the same Committee as that previously announced for the Development Plan.

The Hon. G. L. Howe (Solicitor-General) :

Sir, I beg to second.

Bill referred to Select Committee.

MOTIONS

The Hon. the Financial Secretary :

Sir, I rise to move the following Resolution :---

- "Whereas it is proposed to enact a Development Loan Bill for the purposes of providing funds to finance certain projects that form part of the Development Plan and whereas it is not intended that such a loan should be raised until 1948 or 1949, and whereas, for these reasons, it will be necessary to incur expenditure on the aforesaid projects in anticipation of the raising of a loan:
- Be it resolved: That this Council signifies its approval of the expenditure of £115,900 from public funds on (a) the extension and establishment of Urban Water Supplies, and (b) the erection of Pioneer Oil Mills, as set out in Advance Warrant No. A1/1945-46 "

As I explained in my observations in support of the first reading of the Development Loan Bill, this is the first of a series of financial resolutions which this Council will be invited to pass for the purpose of authorising expenditure against Advances pending the actual flotation on a loan. The intention is to finance the loan programme for the first two or three years from reserves and surplus balances. This will be done by means of Advance Accounts, which will be ultimately cleared when the loan is actually raised.

It is estimated that by the end of the Financial year 1948-9 the expenditure on the Development Loan Programme will have amounted to about four and a half million pounds. That figure, in my opinion, represents the limit of the amount of which it would be safe to draw from our surplus balances and reserves for the purpose of financing loan expenditure. If that view is correct it will be necessary, it will indeed be imperative, to raise the loan not later than the Spring of 1949. It may, of course, be advisable to raise it at an earlier date. I regard this as purely a financial resolution, and therefore will not attempt to enter into a discussion of the two schemes which will be financed from the sum of £115,900. Those schemes were considered by the Finance Committee of this Council and were approved by them after listening to an exposition from the Development Secretary.

Sir, I beg to move.

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Committee. I say, Sir, here and now that the Development Plan is altogether an excellent measure and a step in the right direction. The loan scheme contigent on it, we hope, will set Nigeria economically on her feet so that independent men and industrialists may flourish, sufficient money may be found for general development and amenities of the country, and amelioration of the conditions of service of Government servants, including the employees of Native Administrations and Native Authorities and the employees of grant aided schools. It will be a glorious thing to encourage and subsidise industries. We only lament our known handicap, shortage of staff. We appeal to Government to do all in its power to overcome this difficulty which is paralysing our local efforts. Let men be imported from anywhere Your Excellency the United Kingdom, America, South Africa or East Africa because we have the money to employ them. Local talents also should be trained in large numbers in order to assume office.

Another vital question raised in Your Excellency's speech was the return of trade to normal. That sounds like music to the ears, but we realise. Sir, that the circumstances succeeding the war might not permit immediate wholesale return of business to the normal. Yet, Sir, I say with all the emphasis at my command that one of the ways to promote peace is peaceable occupation. Let us lay down arms and let us not for a moment stand still after laying down arms. Let us take the implements of peace and mobilise all materials and reserves for peacetime mass production. The people in the Eastern Provinces are keen and anxious to resume exportation of primary products such as palm oil and kernels, rubber and timber to the different markets of the world, and they would like very much, Sir, that some of the restrictions be now scrapped. We shall deal with this matter more at the Budget Session and we hope every facility and encouragement will be given.

I think, Sir, I must say that at this stage I feel very reluctant to speak on the question of the strike and Cost of Living Allowance, especially as the Commission of Enquiry is at present examining evidence. One does not want to suggest anything that might anticipate or prejudice the issue.

I thank Your Excellency for your excellent speech that was delivered and am happy to open the discussion.

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

Your Excellency, I do not intend to make a long speech but I do wish to make one or two comments on Your Excellency's speech and that portion referring to the strike.

Unfortunately Your Excellency was away from Nigeria when the strike occurred, but I think you have sufficient information already as to the general effect of the strike in the country. As the Honourable Member for Calabar said, a Commission of Enquiry is already sitting, and Your Excellency has said it is neither proper nor desirable to make any comment at this stage on the strike. But there is one thing I wish to suggest, and that is that the machinery for contact between the Government and the people should be very much extended and strengthened. I think one of the chief causes of the strike was lack of understanding between the people and the Government. There is not sufficient contact between Government and the people, and I am perfectly certain if contact had existed the troubles which we have had during the last few months would not have occurred. I am suggesting, Sir, very strongly that the Public Relations Office should be strengthened and more use should be made of that Department in bringing the people and Government into closer contact.

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

Your Excellency, in the first place I wish to associate myself with the Honourable the first speaker in his Address of welcome, to you on your return, to the Chief Secretary and to the Financial Secretary.

In the second place, Sir, I should like to make a few comments upon your speech, particularly as I feel that Government has no adequate machinery for answering the agitatory pressification of subversive propaganda. I personally thank you for your forthright and frank speech. It can leave no doubt in the minds of anybody as to precisely what you mean, precisely what the result will be if any illegal act is repeated. I think, Sir, that there can be no further excuse, or rather shall I say, misunderstanding cannot be an excuse in the future.

I thank you, Sir, for your very complimentary remarks made regarding myself but I should like to point out one thing, and that is that whilst I came to West Africa in 1920 I actually started my career in Nigeria in 1922, so that is twenty-three years, not twenty-five.

So far as the ten-year Development Plan is concerned I feel certain in my own mind that this will have the entire support of the unofficial side, except that it may be subjected to minor criticism and suggestions here and there for minor amendments. I won't say any more than that, as I said a great deal about that plan at the Budget Session. There is only one thing I should like to add. In your speech you say that the implementation of the plan will promote prosperity and so create revenue in the future. Well, Sir, I hope that the people responsible for development will really see that first things are dealt with first. In other words, those projects which are likely to most rapidly improve the economic conditions of the country will be dealt with first. I say this, Sir, because there is always a fight between the various departments as to who shall derive the most benefit from funds and who shall derive the benefit first. In that respect I have in mind of course the Education Department. Personally I feel doubtful whether Education should precede other aspects of development in this particular instance, as development is allied with the economic progress of the country.

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printing world the agreement between the Master Printers and the Union provides salaries for chargemen and foremen of Grade I. from $\pounds 60$ -6-78, Grade II. $\pounds 54$ -6-60, which compares with the Government Press junior technical Grade II. assistant on $\pounds 80$ -8-128. I feel, Sir, if these people are going to have the temerity to agitate the country, to howl for an improved standard of living, to shriek at the Government for underpaying its staff, then they should put their own house in order first!

I refer to the COLA question itself, but, not in a manner to embarrass the Committee now sitting. It must interest this House to know, that whilst Government paid 50 per cent COLA in the first instance and has since added another 20 per cent as an interim measure, the agitators, the politico-press demagogues who, in my own personal opinion, are bent upon nothing other than creating unrest, fostering mental excitement and agitation through almost every article which is written and which, if carefully examined, only too often is subversive, in their own agreement with their own employees in 1943, provided for a COLA of only 33 and a third per cent for those whose grade of salary at September 1939 was less than £2, and 25 per cent for those whose grade was above that. This parsimonious master class has led this country. and the people of this country by the nose for the last few years, agitating for improved conditions, when their own conditions are nothing less than those of serfdom and slumdom! These are the people who demand, that Government should ensure its employees are given improved living conditions. I should like to know, how on earth their own employees can improve their living conditions on terms of the nature stated? I have not the slightest doubt, Sir, if these people are tackled they will immediately plead that everything rests upon ability to pay, but, as the proprietors of these press concerns are capitalists, just as much as the big companies they criticise from day to day, from month to month, from year to year, their prior concern obviously appears to be their own pockets and politics. But, what they always forget to tell the country is, that the money which Government can afford to spend, for personal emoluments salaries and cost of living allowance in general, depends upon the Taxpayers' ability to pay. The Taxpayer, all said and done, are either communal or co-operative shareholders in the business of Nigeria, and their interests as shareholders should be considered, just as much as these Press bosses consider the interests of their own shareholders when fixing their salaries and their COLA and then plead inability to pay. I doubt very much if a single person who has written an article in the Press recently in connection with salaries in general, or COLA, or living conditions, has bothered to study the financial situation of the country, has bothered even to think of what these constant increases involve, and has even yet appreciated that it is just a vicious circle. On the one hand Government will give a little more; on the other hand it is going to raise the Income Tax. Immediately that happens we shall again be told that there is hardship, and there will

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be further demands. I have made this statement deliberately, Sir, because I feel it is time that somebody told the world about it, Government itself feels either reluctant or shy or embarrassed — I don't know which.

Now in regard to the Strike, Sir, I would like to say that your remark "I have yet to learn that one of the qualifications for real leadership is to urge one's dupes into trouble one has no intention of sharing " is again very applicable. I am perfectly certain in my own mind, having known the old Trade Union leaders that were, having served with them on Labour Advisory Boards, that those people, if left alone, would not have engineered this strike. The strike was forced upon them; it was forced upon them by the agitation of the same people to whom I referred to a few moments ago. It was forced upon them by a subversive political machine in the background, which was determined that the Trade Union leaders who existed should be got out, and be replaced by others with a political interest. I give you this as my personal opinion drawn from my own observations.

I feel, Sir, that so far as the strike is concerned, the position might in the first instance have been handled somewhat differently. Had it been handled a little more promptly, say back in May when the thing was first in the air, had the Trade Union leaders which then existed been advised at that moment what their exact legal position would be if they pursued the ultimatum and a strike, I don't think the strike would have taken place. I honestly believe the position resulted from the fact that a number of people in official places would not believe a strike could take place.

The second comment I have to make is, Government was very lax in not suppressing certain newspapers long before it did.

Once the trouble started I gave Government my wholehearted support in its action, and Government still has my support in its ultimate action. As a matter of fact, I think that ultimately Government was too lenient. It was inclined to treat certain people as naughty children when they were no longer naughty children, when they were adults who knew precisely what they were aiming at.

You have warned the public what will happen if the Civil Service Technical Workers' Unions and organizations which provide for the maintenance of public services, go on strike again. I would like personally to see in this country a permanent volunteer service consisting of honest and worthy citizens who are prepared at all times to take over essential services, who will not be frightened into dumbness by the Fourth Estate of the Realm. When in its fair review of the position the press come out with headlines such as "Scabs work the telephone service", I think a press which pretends to present the views of the people, merely relegates itself to the realms of guttersnipe journalism.

These are just the few observations I would like to make on Your Excellency's valuable address.

His Excellency:

Does any other member wish to speak? Well in that case I will put the motion and in so doing may I take the opportunity of wishing Honourable Members a happy Christmas, and I hope a much happier New Year.

Is it your pleasure that this Council adjourn sine die?

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Adjournment approved.

His Excellency:

The Council will adjourn sine die.

Council adjourned at 12.15 p.m. sine die.