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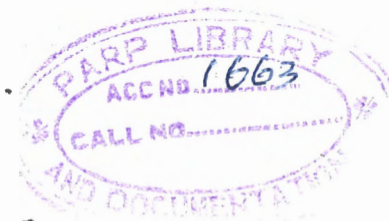


704/11
Monday
11th August, 1958

NORTHERN REGIONAL LEGISLATURE

HOUSE OF CHIEFS
DEBATES

OFFICIAL REPORT
(Second Legislature)
Second Session



KADUNA
GOVERNMENT PRINTER, NORTHERN REGION OF NIGERIA
1958

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Report of the Director of Audit on the Accounts of the Government of the Northern
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Third Annual Report of Regional Marketing Board 1st November, 1956 to 31st
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Statement on Report of Committee of Enquiry into affairs of Ilorin Native Authority

Statement on Report of Committee of Enquiry into affairs of Igbirra Native Authority.

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Premier congratulated Mr President on his appointment, to which the President
replied.

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Pensions Ordinance (Amendment): to be read a second time later in the day

Pensions (Northern Region New Officers) (Amendment): to be read a second time
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Widows' and Orphans' Pensions: to be read a second time later in the day

Loans: to be read a second time later in the day

Control and Management of Public Finances: to be read a second time later in the
day

Supplementary Appropriation, 1958: to be read a second time later in the day

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CONTROL AND MANAGEMENT OF PUBLIC FINANCES BILL [Col. 110]:

Read a second time; considered in Committee; reported without amendment;
read the third time and passed.

1958-59 SUPPLEMENTARY APPROPRIATION BILL [Col. 110]:

Second Reading—(The Minister of Finance): Debate on second reading stood
adjourned pursuant to Standing Order 65. Debate to be resumed on Wednesday,
13th August.

1956-57 SUPPLEMENTARY APPROPRIATION BILL [Col. 111]:

Second Reading—(Minister of Finance): Debate on second reading stood adjourned
pursuant to Standing Order 65. Debate to be resumed on Wednesday, 13th August.

DEVELOPMENT CORPORATION (AMENDMENT) BILL [Col. 118]:

Read a second time; considered in Committee; reported without amendment;
read the third time and passed.

PENSIONS ORDINANCE (AMENDMENT) BILL [Col. 119]:

Read a second time; considered in Committee; reported without amendment;
read the third time and passed.



NORTHERN REGIONAL MARKETING BOARD (AMENDMENT) BILL [Col. 121]:

Read a second time; considered in Committee; reported without amendment; read the third time and passed.

PENSIONS (NORTHERN REGION NEW OFFICERS) (AMENDMENT) BILL [Col. 122]:

Read a second time; considered in Committee; reported without amendment; read the third time and passed.

SLAUGHTER STOCK (CONTROL AND TAXATION) (AMENDMENT) BILL [Col. 123]:

Read a second time; considered in Committee; reported without amendment; read the third time and passed.

LOANS LAW, 1958 [Col. 123]:

Read a second time; considered in Committee; reported without amendment; read the third time and passed.

ADJOURNMENT [Col. 126]:

House adjourned at 12.58 p.m. until 10.00 a.m. on Tuesday, 12th August.

LIST OF MEMBERS OF THE HOUSE IN ORDER OF PRECEDENCE

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The Sultan of Sokoto (Sir Abubakar, G.B.E., K.B.E., C.M.G.)	Mai Biu (Alhaji Muhammadu Aliyu)
Shehu of Bornu (Alhaji Umar Ibn Muhammed El-Kanemi, C.M.G., C.B.E.)	Mai Bedde (Alhaji Umar Sulaiman, O.B.E.)
Emir of Gwandu (Alhaji Haruna, C.B.E.)	Atta of Igala (Mallam Obaje)
Emir of Kano (Alhaji Sir Muhammadu Sanusi, C.M.G.)	Ohinoi of Igbirra (Mallam Mamman Sani Omolori)
Emir of Bauchi (Mallam Adamu Jimba)	Emir of Keffi (Mallam Ahmadu)
Lamido of Adamawa (Mallam Aliyu Mustafa)	Emir of Nassarawa (Mallam Umaru)
Emir of Katsina (Alhaji Usman Nagogo, C.M.G., C.B.E.)	Emir of Jema'are (Mallam Muhammadu)
Emir of Zaria (Mallam Ja'afaru, C.M.G., C.V.O., C.B.E.)	Emir of Lafia (Alhaji Yusufu)
Emir of Bida (Mallam Muhammadu Ndayako, C.B.E.)	Emir of Abuja (Mallam Sulaimanu Barau, O.B.E.)
Emir of Ilorin (Mallam Abdulkadiri, C.B.E.)	Aku of Wukari (Atoshi Agbumanu, Esq., C.B.E.)
Emir of Kontagora (Mallam Umaru Maidubu, C.B.E.)	Chief of Koton Karfi (Mallam Abdu Aguye)
Emir of Dikwa (Mallam Umar Ibn Ibrahim El-Kanemi, C.B.E.)	Chief of Idoma (Ogiri Oko, Esq.)
Emir of Argungu (Mallam Muhammadu, O.B.E.)	Chief of Jos (Rwang Pam, Esq., M.B.E.)
Emir of Gombe (Mallam Abubakar, C.B.E.)	Emir of Wase (Mallam Abdullahi Maikano, M.B.E.)
Chief of Tiv, Mallam Gondo Aluor	Chief of Dabai (Mallam Muhammadu Sani Dan Tudu)
Emir of Katagum (Mallam Umaru)	Chief of Kanam (Mallam Ibrahim)
Emir of Misau (Mallam Ahmadu, M.B.E.)	Chief of Wamba (Mallam Muhammadu Kwore)
Emir of Hadejia (Alhaji Haruna)	Chief of Kagoro (Gwamna, Esq., M.B.E.)
Emir of Daura (Alhaji Abdurrahman, C.B.E.)	Obaro of Kabba (Ologbonyo, Esq.)
Emir of Kazure (Mallam Adamu)	Chief of Bachama (Ngbale, Esq.)
Emir of Agaie (Mallam Muhammadu Bello)	Chief of Paiko (Mallam Muhammadu Bello)
Emir of Lapai (Mallam Muhammadu Kobo)	Chief of Zinna (Mallam Ibrahim)
Emir of Pategi (Mallam Umaru)	Mallam Isa, Chief of Shellen
Emir of Yauri (Mallam Muhammadu Tukur)	Mallam Muhammadu, Chief of Kaltungo
Emir of Muri (Mallam Muhammadu Tukur)	Mallam Sambo, Chief of Donga
Emir of Borgu (Alhaji Muhammadu Sani)	Mallam Abubakar, Chief of Lafiagi
Emir of Jema'are (Mallam Muhammadu Wabi)	Mallam Sule, Chief of Sharagi
Mai Fika (Alhaji Muhammadu, M.B.E.)	Mallam Muhammadu Kabir, Chief of Kupa Abugi
	Nyelong, Longkemai, Chief of Shendam
	Yilsu Dimlong, Chief of Angas
	Alhaji Abdullahi, Chief of Nassarawa Eggon
	Mark Hirse, Chief of Sura-Pyem

Advisor on Moslem Law

Mallam Junaidu, Wazirin Sokoto

Ex-Officio Member

The Acting Attorney-General, Northern Region (the Honourable I. M. Lewis)

Members of the Government Bench

August, 1958

Sir Abubakar, G.B.E., K.B.E., C.M.G., (Sultan of Sokoto), Minister without Portfolio
Alhaji Sir Muhammadu Sanusi, C.M.G., (Emir of Kano), Minister without Portfolio
Alhaji Usman Nagogo, C.M.G., C.B.E., (Emir of Katsina), Minister without Portfolio
Atoshi Agbumanu, C.B.E., (Chief of Wukari), Minister without Portfolio

The Honourable Alhaji Ahmadu, C.B.E., M.H.A., Sardauna of Sokoto, Premier
 The Honourable Alhaji Aliyu, O.B.E., M.H.A., Makama of Bida, Minister of Finance
 The Honourable Alhaji Isa Kaita, O.B.E., M.H.A., Madawaki of Katsina, Minister of Education
 The Honourable Abba Muhammadu Habib, M.H.A., Minister of Trade and Industry
 The Honourable Mr George Uru Ohikere, M.H.A., Minister of Works
 The Honourable Mallam Ibrahim Musa Gashash, M.H.A., Minister of Land and Survey
 The Honourable Abdullahi Maikano Dutse, M.H.A., Minister of Local Government
 The Honourable Alhaji Ahman, M.H.A., Galadima of Pategi, Minister of Health
 The Honourable Mustafa Monguno, M.H.A., Minister of Agriculture
 The Honourable Mallam Abdullahi Dan Buram Jada, M.H.A., Minister of Animal Health and Forestry, and Minister for Northern Cameroons Affairs
 The Honourable Mr Michael Abdu Buba, M.H.A., Minister of Social Welfare and Co-operatives
 The Honourable Mallam Shehu Usman, M.H.A., Galadima of Maska, Minister of Internal Affairs
 The Honourable M. Mu'azu Lamido, Minister of State
 The Honourable M. Muhammadu Kabir, Minister of State
 The Honourable Mr Daniel Ogbadu, Minister of State
 The Honourable Mr Abutu Obekpa, Minister of State
 The Honourable Mr I. M. Lewis, Acting Attorney-General

THE STAFF OF THE HOUSE

The President		English Editors	
Alhaji Haruna, C.B.E., Emir of Gwandu		Mukhtar A. Tahir	
The Deputy President		*Miss F. Bloxham	
Umar Ibn Ibrahim El-Kanemi, C.B.E., Emir of Dikwa		Hausa Editor	
		Usman Lapai	
The Clerk to the Regional Legislature		Interpreters/Translators	
Alhaji Umaru Gwandu, M.B.E.		Mamman Jega (Acting Executive Officer, Translations)	
Clerk Assistant		Adamu Muhammed Hadejia	
*Muhammadu Buba Ardo, B.L.		Ibrahim Fari	
Second Clerk Assistant		Serjeant-at-Arms	
Adamu Usman		R.S.M. Abdullahi Mango, B.E.M.	
English Reporters		Executive Officer	
*Mrs Lindlow		Usman Lapai	
*Mrs L. Lamond		Accounts Clerks	
*Miss Bryant		Aliyu Baba Doko	
*Miss A. M. Paine		Israel Odaudu	
*Miss M. Steele		Ticket Clerk	
*Miss P. Taylor		Yahaya Kanem	
*Miss Juby		Records Clerk	
*Miss Amy		M. O. Shuaibu	
*L. O. Raji		Librarian	
*V. Erubu		Abdu Ka'oje	
*S. Lawal		*Seconded from other Government Departments or Ministries.	
Hausa Reporters			
Lawal Rafin Dadi			
Isa Doko			
Sani Rafin Dadi			
Abdu Ka'oje			
*M. O. Dada			
*Umaru Tifi			

HOUSE OF CHIEFS DEBATES

OFFICIAL REPORT

IN THE SECOND MEETING OF THE SECOND SESSION OF THE SECOND LEGISLATURE OF THE NORTHERN REGION OF NIGERIA APPOINTED TO MEET IN THE MONTH OF AUGUST, 1958, IN THE COUNCIL CHAMBER LUGARD HALL

THIRD SERIES

No. 7

VOLUME V

HOUSE OF CHIEFS
NORTHERN NIGERIA

Monday, 11th August, 1958

The House met at 10.00 a.m.

PRAYERS

(THE PRESIDENT, *in the Chair*)

(The Clerk read the Instrument of Appointment of Alhaji Haruna, C.B.E., M.H.C., Emir of Gwandu, as President of the House).

Oaths

The following took and subscribed the Oath required by law:—

The President (Alhaji Haruna, C.B.E., M.H.C., the Emir of Gwandu).

The Acting Attorney-General (The honourable I. M. Lewis, Esq.).

Papers Laid

The Premier: Mr President, Sir, I beg leave to lay on the Table of the House the proposal for self-government of the Northern Region of Nigeria.

Ordered:

That the said paper do lie upon the table.

The Minister of Finance: Mr President, Sir, I beg leave to lay the following papers on the Table of the House:—

(1) Report of the Regional Joint Standing Committee on Finance for the period March-May, 1958.

(2) Report of the Director of Audit on the Accounts of the Government of the Northern Region of Nigeria for the year ended 31st March, 1957.

(3) Jos Hill Station Accounts, 1957-58.

(4) Capital Development Accounts, 1955-56.

Ordered:

That the said papers do lie upon the table.

The Minister of Trade and Industry: Mr President, Sir, I beg to lay upon the Table of the House:—

The Third Annual Report of the Northern Regional Marketing Board for the period 1st November, 1956 to 31st October, 1957,

Ordered:

That the said paper do lie upon the table.

The Minister for Local Government:

Mr President, Sir, I beg to lay the following papers on the Table of the House:—

(1) Statement of the Government of the Northern Region of Nigeria on the Report of the Committee of Enquiry appointed to investigate allegations about Ilorin Native Authority.

(2) The Statement for the Government of Northern Nigeria of the enquiring officer appointed to investigate allegations about the Igbirra Native Authority.

Ordered:

That the said papers do lie upon the table.

The Premier: Mr President, Sir, this is an important day to all true Northerners. Since the Legislature was established in this country everybody used to see the Governor sitting on the Chair you now occupy. Mr President, because of the good progress made in this Region, due to the co-operation of the people of the North, we have come to this stage in the history of this country.

Mr President, I am happy to say and I am sure every Northerner will be happy to notice that today it is one of the Northern Chiefs who is the President of the House of Chiefs—who will permanently occupy that seat.

Mr President, the Governor consulted me when your name was put up for consideration to this post.

Mr President, I beg your pardon, but I can remember the time when you and I and several others here were in the Katsina Training College. At that time I was senior to you. Today you have become what the Hausas say, "You have grown overnight". (*Laughter and applause*). Today you have surpassed me and my Colleagues who are on this side of the House. This has only been achieved through your industry and honesty. This has, of course, been part of you.

Mr President, I assure you of my co-operation and that of my Colleagues on the Government Bench and I am sure Chiefs and

[MR PRESIDENT]

Emirs too will give you this co-operation. I hope that the co-operation and the respect you will gain within this House will surpass that of your predecessors.

Mr President, with these few remarks I wish you long life. (*Applause*).

Mr President: Premier, honourable Members, I wish to express my thanks to Almighty God who has made His will that I should be elected to this post and I should thank the Government, although according to my position, I am not bound to do so. I am the Chairman of the Northern Regional Board of the Nigerian Broadcasting Corporation.

I am also grateful to all Chiefs who agreed that I should have this post and I hope that they will forgive the mistakes which I may come to make from time to time, and I should ask them to pay more attention to Standing Orders of the House which help us a great deal. I know that the deliberations of this House have always been in a peaceful and cordial atmosphere and I hope this will continue.

I hope that God will give us the courage and determination to face the duties before us.

MESSAGE ON BILLS FROM ASSEMBLY Development Corporation (Amendment) Law, 1958

Message from the Northern House of Assembly on Bill entitled "The Development Corporation (Amendment) Law, 1958"—read.

Motion made and question proposed, "That the Bill as amended by the House of Assembly be now read the first time". (*Premier*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Pensions Ordinance (Amendment) Law, 1958

Message from the Northern House of Assembly on Bill entitled "The Pensions Ordinance (Amendment) Law, 1958"—read.

Motion made and question proposed, "That the Bill, without amendment by the House of Assembly, be now read the first time". (*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Pensions (Northern Region New Officers) (Amendment) Law, 1958

Message from the Northern House of Assembly on Bill entitled "The Pensions

(Northern Region New Officers) (Amendment) Law, 1958"—read.

Motion made and question proposed, "That the Bill without amendment by the House of Assembly be now read the first time".

(*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Widows' and Orphans' Pensions

Message from the Northern House of Assembly on Bill entitled, "The Widows' and Orphans' Pensions (Northern Region) (Amendment) Law, 1958"—read.

Motion made, and question proposed, "That the Bill without amendment by the House of Assembly, be now read a first time". (*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Message from the Northern House of Assembly on Bill entitled "Loans Law, 1958"—read.

Motion made, and question proposed, "That the Bill without amendment by the House of Assembly, be now read a first time". (*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Control and Management of Public Finance

Message from the Northern House of Assembly on Bill entitled "The Control and Management of Public Finance Law, 1958"—read.

Motion made, and question proposed, "That the Bill as amended by the House of Assembly be now read a first time". (*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Supplementary Appropriation

Message from the Northern House of Assembly on Bill entitled "The Northern Region 1958-59 Supplementary Appropriation Law, 1958"—read.

Motion made, and question proposed, "That the Bill as amended by the House of Assembly be now read a first time". (*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Supplementary Appropriation

Message from the Northern House of Assembly on Bill entitled "The Supplementary Appropriation (1956-57) Law, 1958"—read.

Motion made, and question proposed, "That the Bill without amendment by the House of Assembly be now read a first time". (*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Northern Regional Marketing Board

Message from the Northern House of Assembly on Bill entitled "The Northern Regional Marketing Board (Amendment) Law, 1958"—read.

Motion made, and question proposed, "That the Bill without amendment by the House of Assembly be now read a first time". (*Minister of Trade and Industry*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Slaughter Stock

Message from the Northern House of Assembly on Bill entitled the "Slaughter Stock (Control and Taxation) (Amendment) Law, 1958"—read.

Motion made, and question proposed, "That the Bill without amendment by the House of Assembly be now read a first time". (*Minister of Animal Health and Forestry*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time later in the day.

Mr President: The sitting will be suspended for fifteen minutes.

House suspended at 10.40 a.m.

House resumed at 11.05 a.m.

The Clerk: Control and Management of Public Finance Law, 1958, second reading.

The Minister of Finance: I rise to move that the Control and Management of Public Finances Law, 1958, be read a second time.

This Bill, Sir, implements the recommendation made by the Constitutional Conference held in London last year to the effect that Colonial Regulations were not, in the present state of Constitutional development, an appropriate authority for the regulation of the country's finances. The Conference accordingly

recommended that certain basic financial principles common to all the Governments in the Federation should be embodied in the Constitution. The new Constitution Order in Council now requires us to establish a Consolidated Revenue Fund to embrace all revenues received by this Government with a few minor exceptions. The Order in Council goes on to provide that money may only be taken out of the fund on the authority of a warrant. It requires that no warrant should be issued, again with a few minor exceptions, without the sanction of the Legislature. The Constitutional Instrument also requires the submission of Estimates of revenue and expenditure to the Legislature every year and the enactment of an Appropriation Bill which sets out these Estimates under the various Heads. In the future, excess expenditure must be provided for by a Supplementary Appropriation Bill. In consequence, Sir, the Finance Committee will disappear and Government will seek to obtain legislative approval for additional expenditure by means of Supplementary Appropriation Bills presented at most meetings of the Legislature.

The Bill opens by giving me powers for the general supervision and control of our finances and requires me to issue instructions for the maintenance of our public accounts and for all to comply with my requirements. I am given a right of inspection of documents and a right to call for information.

Sections 6 and 8 of the Bill control investments. They regulate the type of investments that may normally be utilised. They contain detailed provisions for the maintenance of a record to be called Investments General and provide for the disposal of its income. They describe a method of bringing into the Region's accounts any fluctuations in the value of these investments.

Section 11 is an important new departure. Its purpose is not of course to meet the ordinary excess expenditure which must, in accordance with the Constitutional Instrument, be the subject of a Supplementary Appropriation Ordinance. It is to cover expenditure of an abnormal character, or urgent unforeseen expenditure, which cannot be postponed until the House meets, without very serious injury to the public interest.

Section 14 contains provision to regulate by Law the public funds of the Region established for various purposes which do not form part of the Consolidated Revenue Fund. The first Schedule to the Bill lists these funds. The second Schedule sets out the detailed Rules

[THE MINISTER OF FINANCE]
of the Capital Development Fund which provides money for capital works in the North.

In the past, Sir, the Finance Committee has given approval for certain things. As the Committee now disappears we have to make other arrangements. Two of these things are changes in the way in which I operate my powers of virement. Virement is the process by which funds are moved from one sub-head to another within a Head in the public interest. I propose in future that changes in these powers shall be given by the Governor-in-Council and subsequently reported to the Legislature in one of the Memoranda accompanying the Supplementary Estimates. Again, it is, in a few cases, necessary for Ministries to submit indents in advance of the Appropriation Law. The Government Printer for instance has to give very long notice of the requirements of paper and envelopes. Authority for this has, in the past, been given by the Finance Committee. I propose in future to give this authority myself, and to report to the House at a subsequent meeting.

I trust, Sir, that I have said enough to show that the provisions of this Law are so framed that the control of the Legislature is substantially strengthened.

Sir, I beg to move.

The Minister of Education: Sir, I beg to second.

Question proposed.

Question put and agreed.

Bill accordingly read the second time.

Bill committed to a Committee of the Whole House.

(House in Committee)

Clauses 1-4 agreed to.

Clauses 5-7 agreed to.

Clauses 8-11 agreed to.

Clauses 12-14 agreed to.

Clauses 15-18 agreed to.

Clauses 19-20 agreed to.

First and Second Schedules agreed to.

House Resumed.

The Minister of Finance: Mr President, Sir, I beg to report the Bill from the Committee of the Whole House without amendment. I now move that the Bill be read the third time and passed.

Question put and agreed.

Bill accordingly read the third time and passed.

The Clerk: Bill entitled the Northern Region 1958-59 Supplementary Appropriation Law, 1958, second reading.

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled "The Northern Region 1958-59 Supplementary Appropriation Law, 1958", be read a second time.

Sir, in my speech introducing the law for the new financial arrangements I have stated that all supplementary expenditure must be approved by the Legislature in future. The presentation of this Bill to the House therefore follows these arrangements.

Chiefs are already familiar with the normal annual Supplementary Appropriation Law. I should explain the difference between this and the one before the House. Under the old arrangements supplementary expenditure in the course of a year was, in the first place, approved by the Finance Committee. At the end of the year a Bill listing any supplementary expenditure so approved in excess of the amount provided in the Estimates under the Head was presented to the House for approval. That was the annual Supplementary Appropriation Law. But the new arrangements provide that the Finance Committee shall disappear, and supplementary expenditure required in the course of a year be approved by the Legislature direct. Hence the need for this Bill which will be followed by others from time to time in the course of the year. I am sure, Sir, that Chiefs will notice one of the advantages of this new procedure: that is, in future the whole House will be able to discuss the Government's proposals for additional expenditure at the earliest opportunity.

Mr President, Sir, before I turn to the Supplementary Estimates, I would like, as usual, to say a few words on the effects of the world economic situation on the prosperity of our own Region.

The state of world trade has shown some slight improvement since my Budget Speech. As a result there are now better prospects for increased production both in England and in America, which, we all hope, will lead to a recovery in raw material prices. But the prices of some of our own export produce continue to fall. This is particularly true of the price of our groundnuts. It fell so low recently that the Marketing Board was assisting the farmers at the rate of approximately £1 per bag. But the Middle East situation produced a rise in price, though latest information indicates that it is now falling again.

As was expected the groundnut and cotton crops for 1957-58 turned out to be an all-time record. Up to the end of June, 714,691 tons of

groundnuts and 216,000 bales of cotton have actually been purchased. The position of general merchandise and building materials has shown some improvement but retail trade in the Region has remained depressed. The restriction on exports of tin continues and the price has remained at £730 per ton. My Colleagues and I regret the unemployment caused by this restriction in the mining areas. The position of our other mineral exports has remained much the same as that described in my Budget Speech.

Industry in the Region continues to expand. Cigarettes are going to be manufactured at Zaria and the Kaduna Textile factory is to undertake the manufacture of shirting and dyed cloth. There are a number of other important projects in the planning stage. I am sure Chiefs will also have received with great pleasure the news that work on the Bornu Railway Extensions will soon start and that arrangements are complete to establish a Central Bank of Nigeria which will issue its own currency. Both developments, we hope, will lead to our increased prosperity.

Now to the Supplementary Estimates. Chiefs will notice that the layout is similar to that of the Annual Estimates. Under each Head of the Recurrent Supplementary Estimate a summary is given showing how the additional provision now required is calculated. Similar arrangements are followed in the Capital Supplementary Estimates.

The other points of interest in the Statement are the Revised Estimated General Revenue Balance at 31st March, 1958, of £4,109,750 and the Revised Estimated Surplus for the current year of £50,403. Chiefs will recall that in my Budget Speech I mentioned that our revenue from Federal sources for 1957-58 was likely to exceed the estimate. I am happy to report now that the forecast has proved to be accurate. The revenue we received as our share of "other import duties"—our largest single source of revenue—amounted to nearly £4,500,000. This is about £1,000,000 more than the original estimate. This, coupled with the improvement shown in some of our other sources of revenue, has led to the satisfactory situation that the Revised Estimated General Revenue Balance at 31st March, 1958, was over £4,000,000. Chiefs will also note that as a result of this improvement, it was possible to pay into the Capital Development Fund a further £500,000.

The estimated surplus for the current year is £223,510 and the revised estimated surplus

now shown in the Statement of £50,403 represents the balance of the estimated surplus after the total supplementary provision of £196,497, shown at the top of page 4, has been deducted. It is true, Sir, that our revised estimated surplus for the current year appears low, but with the expansion in Government activities which is taking place, and our sources of revenue remaining unchanged, our surplus is bound to run lower and lower. Although we can, if necessary, draw on our General Revenue Balance, the battle for economy must be and will be continued with the utmost vigour.

It is too early to draw conclusions from the Report of the Fiscal Commission which has just arrived, but Chiefs will note with satisfaction that the Commission agrees that this Region has had less than its due share of allocated revenues because of the way in which the derivation principle has been applied. Accordingly, the Commission proposes that the Federal Government should for this year pay us from its reserves an additional £500,000.

Mr President, Sir, the Supplementary Recurrent Expenditure proposals detailed in these Estimates involve a total expenditure of £198,868. The proposals are explained in footnotes, or, where fuller details are necessary, in the memorandum forming the last pages of the Estimates. When their own Ministries are discussed in Committee of Supply, my Colleagues will be pleased to give any additional information Chiefs may require.

I am sure Chiefs are wondering at the absence of any provision for the Self-Government Celebrations next year or in respect of Compensation for expatriate officers as the result of Self-Government. May I assure Chiefs that the necessary provision for these items of expenditure will be made and that my proposals will be put to this House in due course.

Before I sit down, Sir, I should like to thank all those who helped to prepare these Estimates for presentation to the House. The task called for strenuous efforts on their part, for time was short.

Sir, I beg to move.

The Minister of Education: I beg to second.

Mr President: According to our Standing Orders the debate on this Bill is to be deferred. It may, however, take place on Wednesday.

I should like to draw the attention of the Members of this House to the seating plan. I have noticed that the Chief of Jos is not in the right place. He should be between the Emirs of Wase and Abuja.

[THE PRESIDENT]

The Clerk will proceed to read the Order of the Day.

The Clerk: Supplementary Appropriation Bill—Bill entitled the Supplementary Appropriation (1956-57) Law, 1958—Second Reading.

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled the Northern Region 1956-57 Supplementary Appropriation Law, 1958 be read a second time.

This Bill seeks to authorise expenditure on Heads of the 1956-57 Estimates in excess of that provided for in the original Appropriation Law. I would like to emphasise that all the amounts in the Bill are already covered by the authority of the Regional Joint Standing Committee on Finance and also by this House, as the actions of the Finance Committee are confirmed by the votes of this House when the Reports of the Committee are adopted from time to time.

This Bill does not therefore seek to authorise any unauthorised expenditure. It serves merely to authorise in a formal manner the extra expenditure under each Head over and above that appearing in the original Appropriation Law caused by the expenditure of funds sanctioned by the Joint Standing Committee of this House. The Bill cannot, of course, be submitted to the Legislature until the accounts for the year have been closed and all the excess expenditure has been authorised by the Finance Committee.

It is, however, not possible to reconcile the various schedules set out in the Committee's Report with the totals which appear in the schedule of the Supplementary Appropriation Bill. This is because the Finance Committee concerns itself with additional provision on individual Sub-heads in the Estimates and does not take into account any of the various savings that in practice result from under-expenditure on other Sub-heads within the same Head.

Members will note that by far the largest Supplementary Appropriation is required under Head 261—Miscellaneous. The reason for this was that a payment of £2,000,000 from revenue balances into the Capital Development Fund over and above that provided in the original estimate was made. In addition, numerous short term loans to Native Authorities were made from expenditure Sub-heads under that Head. None of the excess under the miscellaneous Head should therefore be regarded as genuine over-expenditure.

The second largest item is £329,184 under the Education Head. This arose from the payment of grants by Government for non-Government Teachers' salaries as a result of the recommendations of the Hibbert Commission. The total amount approved for this purpose by Finance Committee amounted to £592,000, the sum being exceptionally large as payments were back-dated to the 1st of October, 1954. Owing to under-expenditure on other Education Sub-heads, the actual excess over the original appropriation for the Head was considerably less than this. The other excesses are minor.

I have already, Mr President, Sir, in my speech introducing the Bill for the Control and Management of our Public Finances discussed the new Financial Procedure which has resulted in the supersession of the Finance Committee by a Supplementary Appropriation Bill. One further one will be required for the 1957-58 year of account but that will be the last Supplementary Appropriation Bill under the old system.

Sir, I beg to move.

The Minister for Local Government: Sir, I beg to second.

Mr President: The same Standing Order 55 applies to this Bill.

Etsu Lapai: May I know if we can get copies of the speeches made by the Minister of Finance so that we can read them at leisure before Wednesday.

Mr President: A copy of the debate will be supplied.

The Minister of Finance: Mr President, Sir, I think the Chiefs are given copies of the Hansard and the speeches will appear in them.

Mr President: Is the Member satisfied?

Etsu Lapai: Yes.

Mr President: The Clerk will now proceed to read the Order of the Day.

The Clerk: Development Corporation—Bill entitled the Development Corporation (Amendment) Law, 1958—Second Reading.

The Premier: Mr President, Sir, I beg to move that the Bill be now read a second time. This is a short Bill and will not bring any debate.

At the London Constitutional Conference it was decided that Members of the Legislature should not be members of a statutory Board or Corporation and our legal advisers have told us that this should include members of the Development Corporation, and, therefore, this Bill disqualifies Members of the Legislature from being members of this Corporation. It

empowers the Minister within whose portfolio the Corporation comes to revoke the appointment of any member of the Corporation who has been elected a member of any Legislature. This Bill also provides for the revocation of the membership of the two Members of this House who are members of this Corporation. Therefore, instead as was the usual procedure for the House of Chiefs to elect two members from within the House in future they will nominate two members from without the House, and it also empowers the Minister not to revoke the appointments of the present members until their term of office expires.

I beg to move.

The Minister of Health: Sir, I beg to second.

Etsu Lapai: Mr President, Sir, I rise to support the Motion moved by the Premier. I am one of the members of this Corporation and I am sure that they are carrying out the deliberations of the Corporation with honesty as they can, and the amendment brought by this Bill is very good. Our hope is that experienced people should always be found to carry this responsibility.

Question proposed.

Question put and agreed.

Bill accordingly read a second time.

Bill committed to a Committee of the Whole House.

(House in Committee)

Clauses 1 and 3 agreed to.

The House resumed.

Bill reported without amendment; read the third time and passed.

The Pensions Ordinance (Amendment) Law, 1958

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled the Pensions Ordinance (Amendment) Law, 1958, be read a second time.

The purpose of this Bill is to replace section 16 of the Pensions Ordinance, 1951, with a new section so that more appropriate and equitable financial provision may be made in certain circumstances for the dependant of an officer who dies while still in the service, or of an officer who dies shortly after retiring on pension.

The proposed legislation would apply with effect from the 1st May this year, to locally domiciled expatriate officers who were transferred to the public service of this Region from the Federation prior to the 1st October,

1954 but similar legislation will be proposed at this meeting to provide for the same treatment in the case of officers who were appointed to this Region after the 1st October, 1954.

I should point out, Sir, that the Federal Government has already introduced similar legislation with effect from the 1st of May, 1958, in the interests of its own officers, and this Government shares the view of the Federal Government that such measures are fully justified to correct what is in effect an anomaly, and to give to the dependants of an officer who dies while in the public service or of a deceased pensioner the concession of somewhat more generous treatment in certain circumstances.

I will now, Sir, explain briefly the provisions of the Bill. Clause 2 amends section 16 of the Pensions Ordinance. The new subsection (1) of Section 16 will assist the dependants of an officer who dies while in the service. The new sub-section (3) will assist the dependants of an officer who dies shortly after his retirement on pension.

The intention of the amending legislation is to ensure that the dependants of an officer do not suffer if the officer dies while in the service and they would have benefitted more if he had retired before his death; and, conversely, if he dies shortly after retiring and would have benefitted more if he has remained in the Service. The proposed amendment will ensure that, if a serving officer or a pensioner dies, his dependants should receive the most favourable treatment possible, by the payment of whichever happens to be the greater in amount of the two alternative kinds of gratuity, that is to say either that of a year's salary of the officer at his death or of the commuted portion of his pension. I am sure, Sir, that this House will agree that these modest concessions in the interest of the dependants of deceased officers and deceased pensioners are reasonable and fully justified on the grounds of equity, and that the example of the Federal Government in introducing them should be followed.

Sir, I beg to move.

The Minister of Trade and Industry: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

Mr President: Committee when?

The Minister of Finance: Now, Sir.
Bill committed to a Committee of the Whole House.

(House in Committee)

Clauses 1 and 2 agreed to.

Preamble agreed to.

The House resumed.

Bill reported without amendment; read the third time and passed.

The Northern Regional Marketing Board (Amendment) Law, 1958

The Minister of Trade and Industry: Mr President, Sir, I beg to move that a Bill for a Law further to amend the Northern Regional Marketing Board Law, 1954, be now read a second time.

The purpose and intention of the Bill is as set out in detail in the Objects and Reasons but I feel I should give the House a brief explanation of what the Bill sets out to do. Firstly, the Bill is intended to amend the Northern Regional Marketing Board Law, 1954, in order to bring it into line with certain amendments made to the Nigerian Constitution as a result of decision taken at the London Conference of 1957. At this Conference it was agreed that a person holding or acting in any office of emolument under the Crown, which includes membership of a statutory Corporation or Board, will be disqualified from election to be a member of a Legislative House of any part of the Federation of Nigeria. Secondly, the Bill empowers the Governor to revoke the appointment of an unofficial member of the Board who is or has become a member of a Legislative House of any part of the Federation. Thirdly, there is provision under this Bill to save all those unofficial members of the Board who are currently serving as such from the effects of the Constitutional disqualification during the term of their present appointments. However, any member who may be hereafter appointed to the Board will be affected by this disqualification and therefore will not be eligible for membership of the Legislative Houses.

Honourable Members will appreciate that while we wish to keep to the decision of the London Conference, it would be most undesirable for such changes to be introduced with immediate effect. It is with that motive in view that the saving clause from disqualification has been provided in the Bill.

Mr President, Sir, I beg to move.

The Minister of State, (The Honourable Daniel Ogbadu): Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

Mr President: Committee when?

The Minister of Trade and Industry: Now, Sir.

Bill committed to a Committee of the Whole House.

(House in Committee)

Clauses 1 and 2 agreed to.

The House resumed.

Bill reported without amendment; read the third time and passed.

The Pensions (Northern Region New Officers) (Amendment) Law, 1958

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled the Pensions (Northern Region New Officers) (Amendment) Law, 1958, be read a second time.

I should explain, Sir, that this Bill, which amends section 16 of the Pensions (Northern Region New Officers) Law, 1955 is designed to achieve exactly the same purpose as the Bill for the Pensions Ordinance (Amendment) Law, 1958, but applies only to officers appointed to the Public Service of this Region after the 1st October, 1954, who are now covered by the provisions of the other Bill.

I have, Sir, previously in moving the Bill for the Pensions Ordinance (Amendment) Law, 1958, fully explained the reasons in support of enabling the estates of deceased officers and deceased pensioners to receive somewhat more generous treatment in certain circumstances than the existing legislation provides for them. I do not think therefore that any further explanation on my part is called for, as I am sure, Sir, that this House will agree that there is no reason to discriminate between those officers who were transferred to the service of this Region from the Nigerian Civil Service under the Regionalisation Scheme which came into effect on the 1st October, 1954, and those who were appointed to this Region after that date.

Sir, I beg to move.

The Minister of State (The Honourable Daniel Ogbadu): Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

Mr President: Committee When?

The Minister of Finance: Now, Sir.

(House in Committee)

Bill committed to a Committee of the whole House.

Clauses 1 and 2 agreed to.

The House resumed.

Bill reported without amendment; read the third time and passed.

The Slaughter Stock (Control and Taxation) (Amendment) Law, 1958.

The Minister of Animal Health and Forestry: I rise to move that the Bill entitled the Slaughter Stock (Control and Taxation) (Amendment) Law, 1958, be read a second time.

The purpose of this Bill is to introduce a minor amendment to the Slaughter Stock (Control and Taxation) Law which was passed by this Legislature in 1955. The object of the Bill was to raise revenue on trade cattle passing from this Region to the Eastern and Western Regions.

Tax is payable at every scheduled cattle control post and at every cattle railing point, and the fees payable at control posts are so graduated that on no single beast is more than four shillings exacted.

Under the Law, power was given to the Governor by Order-in-Council to add any new control post or railing point to the Schedule of the Law and also to delete any such new control post or railing point. There was, however, no power to delete any control post or railing point appearing in the original Schedule. It is obviously undesirable that such minor amendments as may be required to these Schedules should be brought before the Legislature on every occasion, and the purpose of this amendment is to give power to the Governor by Order-in-Council to delete any control post or railing point, whether existing or new, from the Schedules.

Mr President, Sir, I beg to move.

The Minister of Internal Affairs: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Mr President: Committee When?

The Minister of Animal Health and Forestry: Now, Sir.

Bill committed to a Committee of the Whole House.

(House in Committee)

Clauses 1 and 2 agreed to.

The House resumed.

Bill reported without amendment; read the third time and passed.

Loans Law, 1958

Order for Second Reading read.

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled the Loans Law 1958 be read a second time. The

purpose of this Bill is to enable this Government to raise loans from the Federal Government up to a maximum of £6,000,000 of which £1,500,000 will be raised in the current year. All the money will be used exclusively for Capital Development.

Chiefs will recall that in recent years two loans laws have been enacted by this Legislature—The Loans Law of 1956 and the Loans (Education-Capital Projects) Law, of 1957, and may ask why a new Law is now necessary. I should therefore explain that the various Governments of the Federation have consulted together about the raising of loans and have agreed that it will be extremely undesirable and prejudicial to their chances of raising adequate loans, both internally and externally, if they compete against each other by seeking to raise separate Regional loans. Accordingly, the Federal Government is co-ordinating the loan requirements of all the Governments of the Federation and will take steps to raise the necessary loans, both internal and external, if sufficient cannot be raised within Nigeria. This Government will not now, therefore, raise any loans directly, other than loans from the Northern Regional Marketing Board. Our previous legislation did not give adequate powers to raise loans from the Federation and it has accordingly become necessary to enact a new Law.

Chiefs will observe that the Bill does not fix a rate of interest. That is because the rate will be dependent on the terms on which the Federal Government can raise the loans and that will, of course, be dependent upon the state of the market at the time. The House can rest assured, however, that the Federal Government will relend to this Region at the same rate as it borrows, and that the interest will be no higher than the Region would have had to pay had it attempted to raise loans itself.

I should like to make it clear that this Bill is not being introduced because of unforeseen requirements. We have all along proposed to raise six million pounds in loans, other than loans from the Marketing Board, during the present Development Plan period ending in 1960. The bulk of this money is for the Regional Government's Development Plan, but £500,000 is for relending to Native Authorities for Capital Development. Naturally we have waited until it was necessary before taking steps to raise the loans, financing the early part of our Development Programme from our Accumulated Savings, from Marketing

[THE MINISTER OF FINANCE]

Board Loans, and from Development and Welfare Grants. The last two sources continue to provide funds for Development. I wish also to emphasise that raising loans for Capital Development does not mean that the Government has no reserves left. We have the special reserve of £2,000,000 prudently set aside in the Revenue Equalisation Fund, together with the necessary balances of working capital for the efficient running of the Government machine.

I do not think that it is necessary for me to go into details of the reasons for raising loans. It is not possible for any Government to finance a large scale Development Programme, such as the one we are undertaking in this Region, which involves the expenditure of some £30,000,000 by the Regional Government on Capital Projects in a space of only five years entirely from past savings or from current revenue. Development and Welfare grants from the British Government, generous as they are, cover less than a sixth of the total being spent on Development in the Plan period. All Governments, as their countries develop, raise money in the form of loans in order to carry out developments which will increase the prosperity of the country. As prosperity thereby increases, the Government can, as a result of the greater wealth of the country, repay the loans. In whatever part of the Region we look we can see evidence of the very rapid developments of the last few years which have greatly increased the assets of the Region, both material, in such ways as improved communications or water supplies, or human, as the expanding Educational and Health Services take effect. In order to maintain the pace of development at the same scale the time has now come to raise the loans for which it is the purpose of this Bill to make provision. Sir, I beg to move.

Question proposed.

The Minister of Trade and Industry: Sir, I beg to second.

Question proposed.

Etsu Lapai: Mr President, Sir, I wish to congratulate the Minister of Finance for having had the floor of this House for most of the time this morning.

I am glad that the loan is going to be used mainly for the development of the North, and I am still more glad to hear that the Government is going to set aside half a million pounds out of this loan for the provision which will enable Native Authorities to take loans from the Regional Government once more.

The Minister of Finance: Mr president, I am sorry that while I was reading I said half a million pounds, but actually it is £250,000.

Question put and agreed to.

Bill accordingly read a second time.

Mr President: Committee When?

The Minister of Finance: Now, Sir.

Bill committed to a Committee of the whole House.

(House in Committee)

Clauses 1 to 6 agreed to.

Clauses 7 to 10 agreed to.

The House resumed.

Bill reported without amendment; read the third time and passed.

The Emir of Katsina (Alhaji Usman Nagogo, C.M.G., C.B.E.): Mr President, Sir, before moving the Motion for adjournment, I should like to inform the House of the Motions which they have to consider on Tuesday and Wednesday.

Tomorrow, Sir, the Government proposes to bring three Motions. The first two are on the Report of the Joint Standing Committee on Finance, and the Co-operative Societies Guaranteed Bank Overdrafts. Then the honourable Premier will move his Motion on Self-Government in 1959, after which we have the second reading of the Widows' and Orphans' Pensions (Northern Region) (Amendment) Law, 1958.

Before the House adjourns on Wednesday, the following will be taken:—resumption of the debate on the Second Reading of the Northern Region 1958-59 Supplementary Appropriation Law, 1958, and the Second Reading of the Supplementary Appropriation (1956-57) Law, 1958.

Mr President, Sir, I beg to move that the House do now adjourn.

Aku of Wukari: I beg to second.

Adjourned accordingly at 12.58 p.m. until 10.00 a.m. tomorrow.

Volume 5
No. 8



Tuesday
12th August, 1958

NORTHERN REGIONAL LEGISLATURE

HOUSE OF CHIEFS DEBATES

OFFICIAL REPORT

(Second Legislature)

Second Session

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MOTIONS [Col. 127]:

Report of the R.J.S.C. on Finance—(Minister of Finance)—agreed to
Pledging of Government Credit to assist Co-operative Societies—(Minister of Social Welfare and Co-operatives)—agreed to
Self-Government for the Northern Region—(Premier)—agreed to

BUSINESS MOTION [Col. 150]:

Suspension of Standing Order 4 (1)

WIDOWS' AND ORPHANS' PENSION (NORTHERN REGION) (AMENDMENT) BILL: [Col. 158]

Read a second time, considered in Committee; reported without amendment, read the third time and passed

ADJOURNMENT [Col. 160]:

The House adjourned at 2.05 p.m. until 10.00 a.m. tomorrow

HOUSE OF CHIEFS NORTHERN NIGERIA

Tuesday, 12th August, 1958

The House met at 10.00 a.m.

PRAYERS

(MR PRESIDENT, in the Chair)

MOTIONS

Joint Standing Committee on Finance Report

The Minister of Finance: Mr President, Sir, I rise to move the motion standing in my name on the Order Paper "That this House do adopt the Report of the Joint Standing Committee on Finance for the period March to May, 1958 laid on the Table of this House."

In my speech introducing the Law for the Control and Management of the Public Finances of this Region I outlined the new financial procedure under which the Finance Committee method of approving Supplementary Expenditure has been superseded by a Supplementary Budget system. The Finance Committee will, however, have to meet once more in order to deal with a few further items of 1957-58 Expenditure and I will therefore reserve my tribute to the work of the Committee until its final Report is presented to the House.

Mr President, Sir, I should like to inform the House that the minutes of the meetings of the Committee have again been placed in the Library of the Legislature. The minutes give a full running commentary on the Report and there is nothing that I can usefully add to them.

I beg to move.

The Minister of Trade and Industry:

Sir, I beg to second.

Question proposed.

Question put and agreed to.

Resolved: "That this House do adopt the Report of the Joint Standing Committee on Finance for the period March to May, 1958 laid on the Table of this House."

Co-operative Societies

The Minister of Social Welfare and Co-operatives: Mr President, Sir, I beg to move the Motion standing in my name:—

"Be it resolved that this House approves the pledging of Government's credit to the amount of £150,000 to enable Co-operative

Societies to finance their marketing operations by means of Government guaranteed bank overdrafts."

Members will recall that the Regional Joint Standing Committee on Finance has already approved a maximum of £670,000 for the Government guaranteed overdrafts to Co-operative societies during the present year. Now, owing to the remarkable expansion during the past four months, this sum is likely to be insufficient. In these four months one hundred and thirty societies have been registered, far more than in any single previous year.

Of the £670,000 approved, approximately £400,000 was intended for the pre-season loans and £270,000 for purchasing advances. In order not to disappoint societies, I have already allocated some of this £270,000 to pre-season loans which now amount to £520,000. This leaves only £150,000 available for the purchasing advances. More will be needed and I am therefore asking this House to approve the pledging of Government's credit to the extent of a further £150,000.

Members will appreciate that no actual expenditure of Government money is anticipated at the moment. Should a society fail and Government be obliged to meet the bank overdraft, a separate application for funds will be necessary.

Mr President, I beg to move.

The Minister of State (Mallam Lamido):

Sir, I beg to second.

Question proposed.

Question put and agreed to.

Resolved:

"That this House approves the pledging of Government's credit to the amount of £150,000 to enable Co-operative Societies to finance their marketing operations by means of Government guaranteed bank overdrafts".

Self-Government for the Northern Region

The Premier:

Mr President, Sir, I beg to move the motion standing in my name:—

"Be it resolved that this House accepts the Government proposals contained in the Sessional Paper on Self-government for the Northern Region and that a humble address be presented by the Government of the Region to Her Majesty praying that on 15th March,

[PREMIER] 1959, the Northern Region be granted Self-government in respect of all the matters within the competence of the Regional Government”.

Honourable Members will recall that His Excellency, in his last speech from the Throne, intimated that it was the intention of the Government to seek Self-government on this date. As a result, my Colleagues and I have given long and careful thought to the form which Self-government should take, and to the steps which should lead up to its introduction. These considerations are embodied in the Sessional Paper which is now before honourable Members.

Members will no doubt remember that in the past I have often said, and often been criticised for saying, that we in the North would ask for Self-government as soon as practicable. We now consider that Self-government is practicable. We have made this decision in our own time and we are now ready to take on the grave and weighty responsibilities of Self-government. We do so with joy in our hearts, and a determination to build a happier and more prosperous Region.

Now, Sir, I would like to turn for a moment to some of the details of the Sessional Paper.

Honourable Members will see in the White Paper that the Governor will no longer preside over the Executive Council after Self-government, but that the Premier will take over that duty. He will, however, be kept informed of Government business and decisions, and will of course always be available to give advice. The Governor will have certain reserved constitutional powers in relation to the Federation which he will still be able to use should he consider that anything was being done in the Region which might jeopardise the position of the Federation. These powers he will continue to hold until the Federation becomes independent. He will also have certain reserved powers as far as the Northern Cameroons are concerned which he will not have in respect of the rest of the Region. This is necessary as long as Her Majesty's Government in the United Kingdom remain responsible to the United Nations for the administration of the Northern Cameroons. It is however hoped that in due course, after consultation with the Trusteeship Council, the Northern Cameroons will choose in a plebiscite to be integrated finally in the Northern Region. There are other reserved powers of the

Governor which would only be used in the event of serious disaster or political deadlock and they are fully explained in the Sessional Paper. My Government consider that these powers are necessary and do not conflict with our new responsibilities.

The section of the Paper dealing with the Public Service shows that the intention of the Government is to ensure that the Public Service Commission remains independent of political or other influences. This will mean the Civil Service as a whole will remain free from political influences and that appointments and promotions will be based on the established civil service principles of merit and seniority. Members will note that there will be a local civil service which we hope will be staffed as soon as possible by our own trained Northerners. But we will still require, while our own Northerners are being educated and trained in sufficient numbers, expatriate civil servants. There are adequate provisions made for them in the paper, and we will welcome them in our self-governing Region.

The section dealing with the judiciary is of great importance; it is a well-tryed tradition in most countries that the judiciary should be independent of the Executive, but the history of many countries is full of records of clashes between the two. It is now generally recognised that the judiciary must be free to interpret and apply the law with no interference from other sources. Indeed, in a number of countries, notably the United States of America, and in the newly-independent countries of Libya and Pakistan, the Supreme Court is the arbiter and interpreter of any doubtful points in the Constitutions of those countries. As honourable Members know, we have recently sent delegations to study the systems of the administration of the law in the Sudan, Pakistan and Libya, and one thing stands out very clearly—that the judiciary in these countries is protected from interference from political or other sources. I believe that the proposals in the Paper will go a long way towards maintaining the integrity and independence of our judges and magistrates.

Honourable Members will notice that it is intended that the office of Attorney-General will eventually become a political appointment and that a separate office of Director of Public Prosecutions will be established. We do not intend to do anything about this yet, and my honourable and learned Friend, who is unfortunately not here today, will for a time

continue as Attorney-General and Legal Member of the Executive Council.

I do not need to stress the importance of the Audit Service: many honourable Members will have met Auditors in the course of their careers, and indeed have worked long hours answering their queries. Here again, it is established practice in most countries that the Audit should be independent and free to ensure that public money is not being squandered or otherwise diverted to improper uses.

I think that is all I have to say about the provisions of the Paper; no doubt many honourable Members will have many questions, to ask during the course of the debate and I will do my best to answer them.

Sir, the Government has given thought to the way in which Self-government should be celebrated. I am sure that honourable Members will agree with me when I say that we must arrange suitable celebrations to mark the event by publicising it to the world and imprinting it indelibly on the mind of every person in the Region. The Government has therefore appointed a Committee, under my chairmanship, to be responsible for the planning and supervising of the celebrations; this Committee is now at work.

The Northern Region is, to the outside world, the least known part of Nigeria; our people are not widely travelled. It is partly for this reason that we intend to make elaborate arrangements for celebrating self-government in the hope that they will attract people from all parts of the world and thereby make our Region better known to the world at large.

I have heard that some people have a completely wrong idea of what self-government means. It does not mean that anyone may scramble for what he wants for himself. It does not mean that anyone may cast off all restraint and behave and speak in an irresponsible manner. It does not mean that those in authority need not be heeded. It does not mean that the laws need not be obeyed.

What does self-government mean? It means that we must all work harder. We must all bear more responsibility. We must all show tolerance to each other. We must all behave responsibly and obey the laws as good citizens of our united self-governing Region.

I must also make it clear that self-government, although bringing greater responsibility will not bring with it any startling outer changes. The basic aims of Government will remain the same—namely to maintain peace, order

and justice, to increase prosperity, to allow every man to go about his lawful business without fear, to increase and develop the social services. The basic instruments for carrying out these aims, the Civil Service and the Native Authorities, will still be here although functioning under the direction of a free Government responsible only to you and through you to the electorate. Do not let anyone think that he will wake up on March 16th and find everything has changed overnight. It will not have changed. The Native Authorities will be here. The Civil Service will be here containing as now both African and expatriate civil servants who will, I hope, serve a self-governing Region as loyally in the future as they have served in the past.

I wish to address a special message to the Native Authorities; self-government is going to mean that Native Authorities will have to shoulder more and heavier responsibilities; it may be that some of them think that they will be able to go their own way, ignoring the Regional Government; if this is so, I wish to dispel that illusion here and now. The Regional Government is in control and will remain in control; as I have said elsewhere, we wish each Native Authority to develop along its own lines and along the lines best suited to the people in its area but it is the responsibility of Government to see that those lines are the right ones; the Government is responsible for law and order and for seeing that justice is administered and the Government cannot, and will not, shelve this responsibility.

The Government will give every assistance to Native Authorities in order to help them to develop their areas, and improve the well-being of their peoples both socially and economically. But the Native Authorities will have to, as now, follow the policy directives of the Government. We will never agree to Native Authorities slipping backwards into outmoded and evil ways. They must go forward on the road of progress. I am very serious now when I say to you that the Regional Government intends to govern the Region. Let no one think otherwise.

And now, Sir; to close. Two things are uppermost in my mind; firstly, gratitude that we have travelled so far in peace and friendship along the road to self-government and gratitude to all those who have helped this to come about. And secondly, the feeling that the success or failure of self-government, depends on ourselves; the matter lies in our

[THE PREMIER] hands; we shall continue to have advice when it is needed, and that is a comforting thought, but in the last resort we must now shape our future. It is no use my standing up to say this unless every person in the Region realises what self-government means; after the tumult of the celebrations has died down, there is work for us all—for the Premier, for Ministers, for our Civil Servants, for our Native Authority officials, for you, honourable Members, for everybody. We shall be watched by a sympathetic yet critical outside world, to see what sort of a success we make of it and with God's help we shall succeed.

Mr Speaker, I beg to move.

The Emir of Katsina: Mr President, Sir, I rise to support the motion.

There is no doubt that this day is a very important one in the history of the North. It is necessary that we praise God that we have lived to see such a day. We have to be both grateful and proud that we shall now be given back the reigns of the administration of our country which had been taken away fifty-five years ago.

We also owe untold gratitude to both the Expatriates and the indigenous people who have laboured for the progress of the Region towards this Self-Government.

Just as the honourable Premier has said, the achievement of Self-Government on the 15th of March, 1959, shall not be a warrant for us to sit back and say that we have achieved our desire. This is far from true. We must pluck up courage to shoulder our responsibilities. The Chiefs and politicians of the country should be those who must be more active in shouldering these responsibilities. We must rule our subjects with genuine honesty and justice, and our judicial officers must exercise equity to help us win the confidence of all our people.

Mr President, Sir, we shall be travelling to London next month to resume the conference which was started last year. I am sure that I am speaking with your voice if I say that we shall do all in our power to see that not an inch from our Region is merged with any country, (*applause*), and we shall strongly object to any move detrimental to our religion or tradition let alone to agree that our wives should ignore the laws of our religion and come out to cast votes at elections. (*Applause*).

I am sure many chiefs would like to speak on this important motion. I only hope for the blessings of God.

Sir, I beg to second the motion. (*Applause*).
Question proposed.

The Emir of Lapai: Mr President, Sir, I rise to support this motion, and in so doing what I have to say now is a very serious matter, but at this historic time a man must speak according to his conscience and today I must do it. I want to choose my words carefully and I do not want politicians from other parts of the country to try and fasten onto parts of what I say and twist them.

We are near the beginning of our great road into history, there remains just the final arrangements to be made at the London Conference.

Let me, Sir, solemnly warn the Premier, the Emirs and all those going to London to attend the Conference, that having come so far in good faith and friendship, yet still, when they are there they must take great care and be very vigilant.

We send them to bring back freedom and we believe that from this freedom will spring even greater benefits and prosperity for our whole country.

They go very much as a son goes to a parent, seeking permission to go out into the world and stand on his own feet to fend for himself. Usually, a wise parent knows when his son is old enough to be responsible and encourages him and helps him. I believe that it will be so in this case.

But let those who go to seek our freedom remember this: recently in the world there have been many bad things done and much blood shed under the guise of democracy and in its name. We cannot here judge the full evil of some of the things which have happened. But, Sir, the Premier and his colleagues go to London to seek a freedom which will endure and not one which will be swept away in a year or so by an anarchy fostered by agitators or paid agents from outside Nigeria or from within it.

What we seek is truly representative government in which all the many kinds of people who make up our country have their say and have a share. (*Hear, hear*). We do not seek bloodshed, murder, hate and irresponsibility carried out in the name of democracy. This freedom which we want must be founded on things in which we believe and on our institutions which have stood the test of time.

We have recently seen in two White Papers placed before this House how experiments which the Government made in representative local government have been seriously set back.

In one case this was caused by the deliberate actions of a Political Party boss who, taking his orders from outside this Region, set out to bend the desire of people for a greater share in arranging their affairs to serve his own ambitions and lust for power. In the other case the reason was corruption, greed and nepotism. All this makes us very sad, but it must not make us stop trying.

The danger in any experiment, however, is very real and our delegates must examine every proposal put forward by all who attend the Conference to make sure that what they return with cannot be twisted from being the servant of the public into a horrible monster which will devour them.

There is, Sir, one other matter on which I must speak. Early this year, the Secretary of State sent out a Commission to report to him on the problems of our Minorities. Sir, this Commission has not yet reported. I think that they should have done and that their Report should have been on the Table of this House so that we could discuss about it and see what they recommend and decide what we ought to do. Our delegates must be very careful when they hear what this Commission says. When they were here, one party in particular was strong against the North. It tried to convince the Commission that our Region should be broken up and some parts given to them and other parts made separate. We do not know if they succeeded in convincing the Commission of this. We hope not, but we do not know. But what we do know from reading the reports of the proceedings before the Commission in the newspapers is that a great many very bad and wicked lies were told against Ministers, Chiefs and Alkalis. (*Native Court Judges*) and this attack is against the religion of most of us.

Sir, the delegates must be very careful not to do anything in London which goes against our conscience. We must not give away our territory against the wishes of the people nor must we abandon what we believe in. We must not close our eyes to any proposals which are good and helpful and fit in with our beliefs and we must always remember that our brothers who are not of our faith must be safeguarded and have their welfare constantly before us.

We must make it known that we respect the rights of all men to worship God according to their consciences and in their own way and we must make it clear that we support this.

This right, however, is as much ours as anyone else's and our faith and law and way of life is equally entitled to respect.

Many attacks were made on our courts when the Minorities Commission was here and we must protect our beliefs. We cannot do anything which makes our religion and our law a matter of politics or political controversy. I think that we have room for compromise and that it is possible to work out a plan which would benefit those persons not of our faith with regard to the jurisdiction of Moslem courts.

We must also look very closely at the way other Moslem States are facing up to the problems of life and I think the Government for what it is doing to find out.

We believe, however, that Moslems cannot be true Moslems unless they accept the jurisdiction of Moslem courts and we must oppose anything which is against this principle.

Whilst we can always agree to reform we can never agree to abandoning what we believe in, (*applause*), and whoever proposes such a thing must know that even if we have to abandon everything and stand by ourselves alone, we can never agree to it.

Mr President, Sir, I beg to support. (*Applause*).

The Emir of Dikwa: I rise to support the Motion but in doing so I have a few words of advice to the Premier, the Chiefs and the other delegates who would shortly go to the London Constitutional Conference.

This Region has been a peaceful one and her people are peace loving. We have long enjoyed the true spirit of co-existence with other parts of the Federation of diverse religion, culture and tradition, and it is our desire to remain so even after independence.

It is unfortunate that the Report of the Minorities Commission has not yet come out in time for us to comment on the findings of the Commission before the London Conference, but we hope that nothing will appear in it that would threaten the peace and good relationship which now exists amongst the people of the Federation of Nigeria.

It is a very happy and gratifying occasion that the Chiefs of this Region have adapted themselves to the rapid constitutional changes within so short a time that the achievement of self-government will soon be a reality.

We endorse the White Paper on self-government wholeheartedly for our constitutional

[THE EMIR OF DIKWA] development in the shaping of which the Chiefs have played an important part.

As the Government is responsible for maintenance of law and order, we shall do our very best to maintain those very principles of peace without which no Government would survive.

Now for a word of advice. Nobody would predict what important decisions would be taken at the forthcoming London Conference, nevertheless, I should like to stress that the delegates from the North should be extremely conscious of any decision that they may be called upon to take on anything which has to do with our Moslem way of living, tradition and jurisdiction.

Sir, I am sure I speak the minds of the Members of this House when I say to the Premier that he and those who will represent this Region at the Constitutional Conference have our full mandate on every decision they take at the Conference, provided it does not in any way tend to undermine our religion, culture and our good traditions as no price is too great to pay in order to preserve those things which we value above anything else.

Lastly, I feel that I should not conclude without referring to that part of the White Paper which refers to the Northern Cameroons. I want to assure the Premier that the people of the Northern Cameroons would not hesitate to make the decision that would best be to their advantage when the time comes for them to decide their future.

Sir, I beg to support the Motion.

The Chief of Paiko: Mr President, Sir, I rise to support the historic and important Motion now before the House, which has been ably moved by the honourable Premier of the Northern Region and whom all the people of the Region love and respect owing to his good leadership. I must not fail to congratulate him for the task of leading this vast Region to its present stage, a stage which is now leading us to the attainment of self-government within only a few years after democracy came into practice.

I would also like to pay special tribute to his Colleagues, the Ministers who have been shouldering heavy burden of responsibilities successfully in their Ministries, which we very much regard commendably.

Since democracy came into practice in this Region, now led by Northern Peoples' Congress Government, all the people of the Region, from village level, have been freer in arranging

their own affairs by themselves. Voices of village peasants are equally heard with those of people from urban areas which is a step forward to more and more civilisation. Their grievances are heard and dealt with according to their wish.

Anybody in this Region whether literate or not, and who is having at heart the progress of this Region will be deeply moved and highly interested to know that our country will be known as a self-governing country next year.

I am sure that so far as Northern Peoples' Congress Government has fought for self-government it will undoubtedly fight for independence likewise. *(Applause)*.

Lastly but not the least as London Constitutional Conference is approaching, I am suggesting that the following should not be discussed at the Conference by our delegates:

- (i) The question of Ilorin and Kabba merger with West should not be discussed, because the people of Ilorin and Kabba are against it.
- (ii) Question of Religion should remain untouched.
- (iii) Question of traditions should be left as it is at present.
- (iv) Franchise for women to vote should be strongly opposed.

Finally I appeal to the Members of the House of Chiefs, Members of House of Assembly, Political leaders, civil servants and the general public of the Region to get themselves well united and take the responsibilities that self-government will bring in order to maintain the already good name of this Region.

Mr President, Sir, I beg to support.

The Ohinoyi of Igbirra: Mr President, Sir.

I rise to speak in support of the Self-government Motion and some of the previous speakers. In so doing, I would like to sound a warning to this House generally and address myself in particular to the Premier and his team of delegates to the London Conference, about the popular wishes of the people of this great Region and their fears accompanying Self-government. I feel at this transitional period I would be doing the country great disservice if I eschewed what I think is my bounden duty to say or do.

Now, first and foremost, I would like to remind this House that this Motion, in short, amounts to seeking ways and means of transfer of power from the British hands to the Nigerians. It is logical, therefore, that in negotiating for this transfer of power we should remember how and by what means this

power was originally transferred to the British Crown. Here it was done under treaty of friendship and there it was done after struggle.

We owe the British a debt of gratitude for fulfilling their obligation and for their magnanimity in voluntarily surrendering what they gained by sweat. It is sure that throughout the history of life, transfer of authority has never been, and in this case, is not pleasant or so simple as many of us may be led by circumstances to think. Let us not be deceived by the cool atmosphere of this House under which we are debating this Motion. I would not say we are in a battle field though in a way we are because the final and probably the decisive battle will soon be fought at the Constitutional Conference in London. We are arsenals of our soldiers going into that battle and must therefore ensure that they are fully equipped so that while yet in the arena they do not find themselves short of arrows.

In all the tumults of life one thing is vitally certain: nobody likes to live as a slave. Slavery can exist in many forms. When man has not the right to think or act the way best suited to his environments of life, he becomes a slave to circumstance.

The law and the constitution are in fact drawn to suit the man and not the man to suit the law or the constitution. The existence of any law that does not bear the original idea of guaranteeing the convenience and freedom of the man for whom it is made must be regarded as obnoxious.

Let our delegates to the London Conference not negotiate for a Constitution that will steal away our cherished liberty and freedom to live our way, our heritage, our native laws, customs and traditions which have stood among the best institutions in the world.

There are many systems of Governments and Constitutions in the world. We neither want new nor old ones that are not suited to our purposes. We shall oppose any Constitution you may accept for us simply because it had been tried out successfully in America or in Australia. Similarly, we shall frown at any innovation ingrafted in infringements on individual rights, freedom, liberty, or on encroachment on our religion which is the foundation of our system of administration and jurisdiction. Our Constitution must be such as will ensure freedom from disturbances, unrest and hardships for all. This does not, however, mean that we are not prepared to compromise. There is much room for this and we implore the Northern delegates to explore this with care

and guard their steps at the Conference. The world should not be surprised that we are comprehensive of the dangers ahead.

You should remember that Democracy in Britain and in the United States is not without checks. Absolute democracy may prove anarchy and madness. Therefore, do not allow yourselves to be led into tearful delusion of accepting everything under that name. As in the words of one of the previous speakers, 'great atrocities can be perpetrated under the guise of democracy'. Left to Nazis and Fascists they will call themselves democrats. Russia, who claims to have evolved the best system of Government in this world, has swallowed her Moslem neighbours under the guise of protection. You must return with a golden fleece and return with our institutions intact because they are the embodiment of our religion which shapes and guides our character in our daily life and in fact forms part and parcel of ourselves.

It is a matter for regret indeed that the Report of the Minorities Commission is not available for tabling in this House for discussion before our delegates proceed to London for the Conference. My people have wanted to put up a case for the merger with the North of their kiths and kins in the Western Region. *(Applause)*. This could not be properly put before the Commission due to certain unavoidable circumstances. I feel, however, that things will not end there and that the whole question relating to the boundaries will have to be reviewed if at all any changes can be or have been recommended.

Every true Northerner will do all in his or her power to see that the North stands as a single block and that no inch of land is sliced from it. Those of us who want it broken up into smaller states are doing so for selfish ends and our Southern brothers' support for this idea and their reluctance to divide up their Regions into smaller states on their own initiative clearly indicates 'sour grape-ism'.

The North, like its people, has been great, not only because it is a vast Region with huge population, but because its diverse tribes have lived in peace and worked patiently together for common good throughout the period they have been under British tutelage during which time they have maintained their heads and never lost their balance. The reverse would certainly have been the case if the different tribes inhabiting this great Region had refused to work together for common good. So, while we

[THE OHINOYI OF IGBIRRA] congratulate the British for showing the light, we must also congratulate ourselves for treading on the right path.

One more point before I take my seat, Mr President, and that is we have come to our present stage under the British guidance. Now that we are about to become a sovereign State, let both our delegates and the British have recourse to the extent treaty obligations which I believe will be your anchor and balast and guide you through at all stages of the deliberations.

The Emir of Zaria: Mr President, Sir, I rise to thank the Almighty God who has made it possible for me to live to see this day. I am one of the few old people in whose time the administration of this country was taken over and we have lived to see the day when it has been returned to us. It is not a surprise that this power which has been taken away from our leaders, the descendants of Shehu Dan Fadio, is being returned to them. (*Applause*). Therefore, we are sure that they will hold the power, as it has been held by their ancestors, with honesty.

Before I say what I want to say, Mr President, I should like to ask Members of the House to forgive me as I am an old man and have old ideas. We are all very happy that Self-Government will be achieved and we shall do all we can to make it a success. Although the Government is doing all it can to look after the welfare of the people I have certain fears. I notice that even after self-government the Government will not have absolute power. What we know is that any one in authority should have power in order to help him carry out his responsibilities more successfully. Now we are going to get self-government but there is one minor thing that makes me fear; and that is that some people in this country are trying to cause alot of confusion. I should like to point out that it is the duty of the Government whether before or after self-government to do whatever it can to maintain unity in this country.

Now we are at the approach of the London Conference, but there is only one thing which I am afraid of and that is that having no power to decide finally against what other people are proposing to take away from us and that is because the people of the West want to come over to the Northern Region to take slices of our land without reason. I would say that what should be done is that the Governor should decide finally against it because the

Government is there to see that justice is done. That is against somebody coming and taking away something from somebody else against his will.

Before the advent of the British we had our own boundaries and nothing of this kind happened. After the advent of the British, Lord Lugard had drawn up a boundary between the North and other Regions. I did not hear or read about this, I witnessed it. And all through these years, during the life time of the British Administration, it has not been suggested that our Region should be cut off until now, when something in the name of politics comes into the scene which does not conform with our religion and customs. Why did not the Governor ask them why they did not demand that part of the country before? Have they got the support of the Governor over this, or not? The Governor should disagree with this and should tell them that they have got their own lands. And we are fighting over our own rights.

I have got one example. I have got a boundary with Kano Province and there is a town called Paki on that boundary about half a mile away from the boundary. There is no native of Zaria in that town; they are all Kano people. Why should not the Emir of Kano want the town merged with Kano Province? (*Applause*). Therefore my appeal, although I am an old man, is to our delegates to the London Conference who have tried their best to achieve self-government. We have been under their leadership since the beginning and it is through their efforts that we have come to this stage. The *Hausa* proverb says "He who plays with fire will get burnt".

Now that the time has come to go to London, they will go with our voice and they are going to carry along what we have decided upon and agreed upon. They are our true representatives and people elect whom they have confidence in. We have confidence in them; we do not want them to agree with something with which we would not agree. Therefore I want them to tell the British Government that we are all historians. We do not want anything that would not be in conformity with our religion and customs and we shall object to everything that will not be in conformity with our customs and religion. Therefore I want them to preserve our good religion and customs.

If it has not been possible to decide finally against those questions brought by the people of the West, when self-government is achieved

—and some are big things—how can we live in peace so that we can administer our people with equity and justice?

It is true that a man cannot be free to act upon his conscience while he is being disturbed by some other person. The British Government said nobody should confiscate any body else's belongings and they have seen that we have followed this rule, but here is a small departure from the rule and we want them to mend it. Therefore I beg that they should be put right. The land is our own and God has not taken it away from us. The British who came, left it to us. They helped us to administer over this. What we had before they came we would not want an inch to be taken away. (*Applause*). If it is taken away without good reason it means an injustice and I am sure we have not been put to injustice because the British Government has said so.

I shall once more emphasise to our delegates to London that they should not yield even an inch of our soil. They should fear nothing as there is nothing actually to fear. If they do things which do not conflict with our religion, customs and tradition we shall give them our wholehearted support. Should at all an inch of our soil be taken away, I would remind you of what I said at the Ibadan Conference that there should be secession. We should secede from the Federation. I am saying all this not for myself but for the good of our people. I am an old man who has not got much long to live but we should leave behind something good as our ancestors died and left for us.

The Emir of Bauchi: Mr President, Sir, I rise to speak on the question of the franchise for women and with regard to the question of their being members of the Legislature. We all hear what other people say we should do—that is leave our own wives to come out and vote. These people only mislead themselves and the rest of the people of the country.

In the Northern Region there are different rites, religions and customs. There are Moslems, Christians and there are those who have no religion at all. For many years we have been respecting our religions and the customs of our neighbours. Now some people have come to deceive us by introducing the question of the franchise for women. We shall not agree with this and we do not intend to agree, because our religion does not permit it. Mr President, I would like to warn our representatives to the London Conference that they must not agree to a proposal of this kind. (*Applause*).

Mr President, Sir, with these few remarks, I beg to support the White Paper on Self-Government.

The Adviser on Moslem Law: I rise to support the proposal for self-government, and before I sit down there is one point I would like to talk about in connection with this proposal. I have often heard and seen it published in the newspapers what other people are trying to do, that is we should do away with certain things which are laid down by our religion. For example, purdah, the franchise for women, and the rest of them. I have seen that this is a great mistake.

If we who are Moslems have faith in our religion, I do not see any reason why anyone should say we should ignore it and follow what is required of us by other people. If this is done, what will happen? Should we say that everyone else should leave their different religions and become Moslems? This would interfere with the freedom of religion, and you, the representatives going to the London Conference, I would like you to keep this in mind. We do not want you to propose anything that would interfere with our religion or our good customs. If you agree to such proposals, we shall not accept them. (*Applause and laughter*). We hope that you will be honest and pursue the cause of justice. We hope that God will put both you and us on the path of honesty and justice.

Mr President, with these remarks, I support the proposal for self-government.

The Emir of Misau: Mr President, Sir, I rise to support the proposals. We are grateful to the British who have brought us up in a good way and have led us to the good path to self-government, and we beg them to go on with this very good service, even after self-government. I hope our fellow brothers who will be responsible for leading the country will administer it with justice, and we, by the grace of God, will give our co-operation and help to them as we used to do. We shall not divert from the ways of justice and honesty in following the laws of the Region. We understand all that the Premier has explained to us about self-government, and we accept it.

But there is one point in regard to some other people who want a section of our country to be merged with theirs. I want to tell these people that since before the advent of the British about one hundred years ago, this very place they now claim was part of the North and about fifty-seven years ago, when the

[THE EMIR OF MISAU]

British came, they found us united and the boundary was there. Why did they not claim to have that part of the country then? It is only now that they see the administration is going back to the hands of the indigenous people of the country, that they are claiming a part of it.

These are the people who came into the Region misleading the people and asking them to claim for their own separate Region. Since the advent of the British have they been told to leave their religion and customs; have they been told to convert into Islam? I have seen that what the Government has spent on this very place, which the people of the West claim, is more than that on other parts of the Region. They have been given every help. The Government administers over the whole Region impartially, and will continue with this. Every Northerner should rest assured that we shall be looked after impartially. For example, here are the Ministers, or has it been laid down that only Moslems should be Ministers? Are there no Christians among them now? There are Christians among them now. If there was no impartiality they would not be sitting in the Executive Council. These people are only deceiving the Chiefs and their subjects, or the foolish people.

If another region is created in the North, the North will be made weak. They support the idea that they should have a separate Middle Belt Region so that they can do what they like. We do not agree that our representatives should agree to a proposal to cut off even an inch of our Region, to be transferred anywhere else, (*applause*) and we also disagree that another Region should be created in the Northern Region. (*Applause*). We have all received impartial treatment—we, the Chiefs, and our subjects. Every body has been allowed to lead his own religion; what then do we want?

I will ask the Premier about what he said that self-government would be celebrated; we want him to explain what kind of celebrations there will be. Is it going to be like the celebrations for the Coronation of the Queen, which was celebrated in London, or will it be celebrated provincially, or will it be celebrated here in Kaduna, as was done during the Royal Visit. This is my only question and I support the Motion.

The President: I think this is a convenient time for a recess. The House will be suspended for fifteen minutes.

House suspended at 12 noon.

House resumed at 12.15 p.m.

The Emir of Pategi: Mr President, Sir, I rise to support the Motion before the House for Self-Government, as it is a very historic occasion for both the Northern people and the Chiefs. The day which has been proposed for the independence of the Region and for the people as a whole is a very important day. As the day of the advent of the British people was a historic event, likewise this important day, 15th March, 1959, will be in our history. It will be a happy memory to us as well as to our descendants.

Before I go any further, I should like to thank the Premier, the Ministers and their Colleagues, and all those who contributed towards achieving this important thing and those who have helped the Government of this Region with honesty and perseverance. Really this Government deserves to be praised and commended on the great achievements that have been made since the time that this Government has been led by the Northern Peoples' Congress. If every Chief looks around his area he will see that there is great improvement in water supplies, medical facilities, education and so on.

In 1952 when the Ministerial system was introduced into this Region, we Chiefs had grave doubts lest this system would not work as it should. One example of this is the Ilorin Native Authority Council which introduced some subversive measures against the administration of the Native rulers. They were warned but they refused to heed the advice of the Government and therefore Government dissolved the Council in order to ensure the peace of mind of the people. Therefore I take this opportunity to point out to the Government that all the irresponsible acts which were done by the Action Group-Ilorin Talaka Parapo Alliance in Ilorin have been corrected and now we have to express our thanks.

Mr President, Sir, administrative officers have warned us Chiefs, in the past, that we should not indulge in political activities as we are the fathers of all the political parties in this Region. But in my own view if all the children of this Region belong to you how can you support one who is disloyal and brings confusion to the whole community. It is important to love whoever loves you and also support he who stands for honesty and justice; and oppose those who have not been doing so and who have been behaving themselves irresponsibly.

Before I resume my seat I want all the Members of this House to support this proposal for Self-Government. Our delegates to the London Conference should resolve that they will bring to us the unbounded satisfaction of Self-Government on the 15th March, 1959.

I want to draw the attention of the Premier to the Constitutional Conference which is to be held next month in London. We do not want any boundary review nor Ilorin and Kabba to be merged with the West. (*Applause*).

Mr President, I want to draw the attention of the Premier and those who will go to the Constitutional Conference to note that:—

- (a) we do not like any boundary revision nor do we want Ilorin and Kabba to be merged with the Western Region;
- (b) the Northern Region should be left as it is; there should be no creation of a Region within it;
- (c) there should be no interference whatever with moslem law or native law and custom;
- (d) *Alkalai* (Native Court Judges) should be left under the employment of native authorities;
- (e) Regional Governments should be responsible for the Judiciary;
- (f) the present traditional system of selecting chiefs by elders should continue as it is and not be handed over to elected members of native authority councils;

God willing, we shall co-operate and assist the Government in order to make self-government a blessing to all. I support the Motion. (*Applause*).

The Emir of Gumel: Mr President, Sir, I support this Motion, and I am praising the Government and the Ministers who have led us up to this day. The need for self-government in this Region is not a new thing and it is not surprising that the people should think very much of it.

We know that there are people among the Chiefs in this House whose ancestors have been chiefs for more than 200 or 300 years, like Ilorin, which some people have proposed that should be merged with the West. Historically it has never been a part of Ibadan or Lagos, and what I am thinking is that we should be as we were before and our messengers, (*Cries of 'delegates'*), should be strict and not let such things happen. Not an inch of the Northern Region should be cut off, or the enfranchisement of our women or that our religion or traditions should be interfered with.

We are not ready to accept that. We want these delegates, even if they had three ears, they should get another three. (*Laughter*). What I mean by three ears is that we have two on the head and we have one in our hearts, and among the things that I have just said if the delegates accept any of these things they should not come here but should go to Saudi Arabia or Egypt or the United States.

The Emir of Agaie: Mr President, Sir, I rise to speak on this proposal of Self-government because I have seen that all my Friends, the Chiefs here, who have spoken have not spoken about one thing. Here in this Region, we have many industries, hospitals and schools and such things have never been publicised in this Region. Also I think a Northerner has not yet been awarded a scholarship in order to study at the Mint. I am speaking only to show the delegates that this question has not been touched upon. Before we had only cowries but with the advent of the British people we now have currencies and coins. Now it has been proposed that we shall accept Self-Government, I am reminding them that this question should not be forgotten. I hope that when they arrive in London, all that has been spoken in this House that will benefit Nigeria as a whole. I pray that they will accept all. And that what has not been proposed here but has been brought out on the Table, if it will benefit Nigeria as a whole, I pray that they will accept all. May God give them success.

The Chief of Wamba: Mr President, Sir, I rise to support my Friend, the Emir of Gumel, and to correct the name with which he has called our delegates. They are not to be termed 'messengers' because we have not sent them to deliver letters. We have sent them with guns and bullets. They are brave persons, warriors. They are the people who have been fighting in order to bring independence to this Region.

Again, I am associating myself with what the Emir of Zaria has said, that even women know how to talk well. I have spoken before in this House and asked why that since the time of Shehu Dan Fodio the people have been fighting because of land. We do not support that an inch of this Region should go to any other Region of Nigeria, and those who want to bring about the creation of another Region, they are all spoilt children. They simply want to bring about ideas which have been rejected by their parents. Mr President, I support this proposal.

The Emir of Jama'are: Mr President, Sir, I rise to support my Friends, the Chiefs, who

[THE EMIR OF JAMA'ARE] have supported this proposal and we all hope that the Government and the Ministers will go and return safely and may God give them success.

As regards the question of Ilorin, since the advent of the British in this country, they have never raised this question and during the reign of Shehu Dan Fodio they have not demanded this thing, and throughout the reign of the British in this country they have not demanded such a thing, only now because they are being misled by money and cars and bicycles. These will not convince Ilorin people. If an Ilorin man wants to go back to the West, he will not be stopped from doing so. And therefore we cannot support the question that part of Ilorin should go to the West.

We hope that our delegates will travel safely and come back safely and we are depending on them for their braveness and courage, which they have shown to achieve this independence. The big and the small Native Authorities will support them and we will pray that the system will continue as such for ever. Thank you, Mr President.

The Atta of Igala: Mr President, Sir, I wish to speak on this Motion on self-government for the Northern Region. I feel it is my duty to make some observations on some points, which have not yet been touched upon. As one of the delegates who are going to the Conference, I want to give you the assurance that we shall deliver the goods. You are sending us to London and we shall not fear any power on earth. (*Applause*). We have learned from other people to say "No" when we mean it and we shall not see people reaping where they have not sown anything. So with this assurance I think this is enough. I only thank the Premier for giving details of what self-government will mean to Northerners. We shall carry out whatever we planned to do and we shall not tolerate any nonsense from any quarter. (*Applause*).

It will be all the more praise worthy on the Government if we could give more emphasis to the Northernisation policy; not only in offices but in ware-houses, in shops, right up to the market sheds and then we shall not tolerate to see women selling in the open. They should occupy sheds which are now being occupied by strangers. We shall send out these people from other Regions.

The Northern Government should encourage ex-teachers of schools to form a body so that

they should receive grants from Government. Bicycle repairers should be organised to form a union. It is needless to say all this now because the Ministers are well aware of these needs.

Now I come to the responsibility which will drop on us all when self-government comes.

The Minister of Education: Mr President, Sir, I beg to move that Standing Order 4 (1) be suspended so that the House should finish its business today.

The Minister of Land and Survey: Mr President, Sir, I beg to second.

Question proposed

Question put and agreed to.

The Atta of Igala: In years gone by we had a common knowledge that what Northern Chiefs did was dictated to them by Administrative Officers and that we had no knowledge and no wisdom. The day has come to show that it is not so. The Northernisation policy which is being pursued, and the political parties now set up in the Region, the Northern Peoples Congress and Northern Elements Progressive Union, shall receive our support provided they continue to serve the North, as it is known by all that they are our children and we do not intend to stand in their way provided they honestly serve the North.

Those people who think they can come into the North under the cloak of any of the political parties in the North should be well advised to go back because it is a mere deceit. They stand to lose all they bring in: motor cars, bicycles or money. The North has earned a good name outside its own boundaries and this is mainly due to the honesty displayed by our Ministers even though our Ministers do not possess any academic degrees. They have at least earned for themselves the degrees of "Doctors of Honesty". (*Applause*). So, for example, the Minister who is in charge of our Co-operative Societies should finish his name with "Doctor of Honesty."

Finally, it is my wish, Mr President, Sir, to assure this honourable House that we shall retain the integrity of the North at all costs—not an inch of our soil is to be taken away from us. We shall certainly bring back to you what you want.

With these few remarks, I support the motion.

The Emir of Yauri: Mr President, I rise to support the motion and also to support with all the power at my disposal the sentiments so far expressed in support of it.

We are being constantly accused of prejudice, intolerance and bigotry. That is not true. We

know what our people want and we know the way to give it to them.

When the Minorities Commission came round and I read what was said before them—I was ashamed.

I remember the attacks made on the Sultan in Jos, when someone said that the Sultan refused to be seen. I remember the evidence given by the Long Kemai himself when he said that the Sultan, far from being distant and naughty used to lend the Long Kemai his own car and treat him like a brother. The lies which were put forward by a certain Political Party were intolerable.

We see in the papers that when a newspaper attacked the Chief Justice of the Federation—that paper was fined £1000 and its editor sent to prison for six months. But if an Emir sends a man to prison for a week or two for what is an intolerable insult, then it is regarded as oppressive and evil. If the Chief Justice or another Judge does it then it is applauded! ("Shame").

We must advance with the times always. We have been regarded as the mouth pieces of our peoples. But let me say this to those who are always crying about our oppression of the Mission boys and pagans. We Moslems have as much right to have our rights and our institutions respected as they have, and the only hope for Nigeria in general and the North in particular, is mutual respect and mutual tolerance and that without it nothing can be achieved.

We are prepared to be liberal. We are prepared to live side by side in amity and friendship. I have heard of the intolerance of Missions in other parts of the Region. In my own area I have only praise for their activities. But elsewhere I am not sure that their work always merits praise. I have heard of their deliberate attempts to scoff at pagan rites and festivities and their studied insults to long established customs. Let the Mission boy show us that his teaching is that he should have regard for our feelings and beliefs.

With those who are prepared to meet us half way, I say that we will respond. With those who are not, who only want to attack us and degrade us, I say, take care, we have stood this sort of thing long enough and we will not tolerate it for ever. It now appears that Moslems are the only minority in Nigeria whose fears nobody seems to care to safeguard. It has therefore become the honourable duty of the three representatives from this House on the

London Conference to see that the fears of the Moslem minority in the North are fully safeguarded and entrenched in the Constitution.

Mai Bedde: Mr President, Sir, I rise to associate my views with those expressed by the previous speakers. I shall begin with the speech delivered by the Premier which we have heard and understood and to which we have agreed.

Mr President, Sir, I can remember, not long ago when this kind of Motion was moved in the House of Representatives in Lagos, the kind of insults we suffered. It is not appropriate, Mr President, for me to repeat it here. We had heard but had not said anything in return to the insults and even now we do not propose to say anything. We are still listening to hear what they have to say.

Mr President, self-government is loved by every human being, not even human beings—beasts too, because we can only force them to do what we want. There are many examples and here is a good example which happened the day before.

When you were appointed the President of this House we were very happy. Just as the Premier has said when it comes to his knowledge every true Northerner will be very happy. I do not know what the Premier meant by a true Northerner, but what I mean by a true Northerner is a Northerner who will not be bought with money to go and insult his leaders—I believe he is the type of Northerner whom the Premier means.

Mr President, Sir, the Governor used to occupy your present position—not that we did not like his Presidency, or that he has done anything against us, but we are only happy because you are a Northerner. You are a brother from amongst us. We thank all those who have previously occupied the Presidential Chair and we praise them very much for what they have done in that position as the Presidents of this House, and you, Mr President, who has attained this position, although you are not strange to us here, we welcome you to your new post. I know you will not like me to go deep in praising you because this is not our custom, although this reason too will not prevent me from giving you the praise I intend to. My only fear is that you will hand me over to the Sergeant at Arms. (*Laughter*). I would like to assure you, Mr President, that you will receive complete support and co-operation from all the Chiefs present here. (*Applause*). If it is possible we shall give you more support and co-operation than your predecessors have

[MAI BEDDE]

received because it would be a shame to us to say that you, as one of us, who has attained this position, will be refused our full support and co-operation. I am sure we have already passed this stage and with your indulgence, Mr President, I shall now go back to the proposals for self-government.

As I have already said, self-government is something to be adored, but it is not enough for us to achieve self-government in any way. There is one condition and the condition is that self-government should come with complete prestige and I feel that we would rather do without self-government if it would be one without prestige. What I mean by prestige is that we retain our good customs and our religion and I felt that we should even lose anything in order to retain them. They should not be touched—they should be safeguarded.

Mr President, the Premier has often said—not once or twice—for all the world to hear that after our attainment of self-government everybody will be free to carry out his own religion and customs. This we all support and the reason is that we too ask them that our customs and religion should be respected.

Now to return to our delegates to the London Conference, I want you to preserve our prestige. We support you and you have our confidence right into our very hearts. I want you to do everything that any human being can do to see that our religion and customs are safeguarded. We don't mean to interfere with other people and so we do not want others to interfere with us.

With regard to the question of boundary, I have noticed that all I have intended to say has been said, but I still have one point to add. Lands are being acquired by lawful means just as the British have acquired them—not by lip fight. Those who want to acquire our land by fighting with their lips, I do not want you to say anything to that question—I want you to leave them until we have got our self-government and then we can ask them to come and acquire the land by force.

Another point on which I would like to draw the attention of the delegates is the question of the Fiscal Commission. We have not been given a chance to go through the Report in detail but still there are one or two points to which I would like to draw the attention of our delegates. In the first place, I very much welcome the recommendation of the

Commission in that they have recommended that £500,000 should be given to this Region, compensating it for the unfair share that it has been receiving with regard to the distribution of money to the Federation.

Although I have said that I have not got a lot to say on this, but yet I have got one more thing to say. They have recommended that we shall start receiving this £500,000 this year and the reason why they have said that is because they have seen that we are being cheated at the present moment and the mistake on the allotment had not been started this year, but long long ago, since 1954 and this is what they want to put right but they want to start only from this year. What I want is that justice should prevail in this matter and if that is to be done we should be compensated for the money we have not received since 1954. (Applause). The vastness of this Region and the number of the population of the Region should be considered. How could you allow the loss of such a large sum of money? This is only a suggestion I have given to you for your consideration and I know every true Northerner will support this.

Still, in connection with this Report I have got one complaint. They have invented a system whereby the revenues of the Federal Government should be consolidated before distribution to the other Regions. I think this is a very good system. My only criticism is that the money being consolidated is not enough because it is the money to be allotted to other Regions and therefore if the allotment is big enough they will have bigger shares; if it is small, they will have smaller shares. Therefore I want this to be increased, but this is not the end. After having increased the money I want the allotment to be fair because it will be restricted.

The system of the allotment evolved by the Commission is that the North will have 40 per cent and the Eastern Region shall have 31 per cent, and that the allotment was according to the needs of the Region. This is unfair. The size of the population of the North should be considered and also our needs for hospitals and schools and also the number of the existing schools and hospitals in the Northern Region should be compared to those in the Eastern Region. This is really very, very unfair and beyond any comparison and it is on the lips of everyone in the East and the West that the North is lagging behind. Well, this is the only way in which we can catch up and if we are going to have a true foundation we

should be helped in a way we can keep up with the rest of the Regions because they have started about fifty years before us.

There is still another point, Mr President, that I would like to draw to the attention of the delegates about this Report. When the Fiscal Commission arrived in this country they have received many complaints about the large amount of money being spent in Lagos. It seems that the Commission have looked their ears because I have seen that the provision they have made for Lagos is almost more than the previous one and I have not seen good reasons why this provision has been increased.

Mr President, if you look at the section dealing with medical and health, you will see that in the Federal Estimates the provision made for hospitals is about £1,250,000.

Most of this money is spent within Lagos, Mr President, and if you look through our Regional Estimates with all the large population and the vastness of this Region, the money we have provided for the services of medical and health is not up to £2,000,000. Instead of utilising this money in developing the country by constructing more roads, hospitals and schools, it was being spent within Lagos alone in order to make Lagos look like a paradise.

Mr President, Sir, I feel that before I sit down I should praise the Premier, his Colleagues, the Ministers, and the civil servants, both expatriates and indigenous people because of their heavy responsibility of leading the Government. I myself feel that we should be proud of them. There is something you should always remember. When the ministerial system of government was being introduced, it was not only introduced into this Region, but into the Eastern and Western Regions. We have heard a lot about other Governments since then, but not once have we heard anything about that of the Northern Region. That is why I say we should be proud of ours. My prayer is that God will help them to discharge their good intentions successfully.

The Sultan of Sokoto: Mr President, Sir, I rise not to stop the Chiefs from speaking, but I rise to thank them and to praise them. I did not know that they could speak so much on this White Paper.

I think any more speeches will be just a waste of time because everything has already been said. Whatever is the intention of someone else to say anything, it must have been said before him. But still, everybody wants to speak. When shall we finish?

Mr President, I thank the Chiefs for the views they have expressed and I support the Bill.

The Chief of Kagoro: Mr President, Sir. As the honourable Sultan has said, all that we want to say has already been said. It is quite true. I had wanted to speak at great length but my neighbour here had included all I wanted to say in his speech. (Laughter). Therefore I say praise be to God.

The reason why I have got up is that I want to speak because of a misunderstanding on the part of some of us as I have heard in the course of a debate that one of the Chiefs had spoken about Missions. Mr President, I would like to explain to the House that a true Missionary has nothing to do with politics. (Applause and cries of "Hear, hear"). I would like to repeat this—a good Missionary has nothing to do with politics, nor has he anything to do with the administration of the country.

I know some would feel something when they heard that some Missionaries gave evidence about their own religion before the Minorities Commission. But their intention was that there should be a law which should safeguard everybody's religion. They have got nothing to do with the question of supporting a Region, nor have they anything to do with politics. Therefore I am sure that a true Northerner should praise what they do, because this is what we have been saying all the time that everybody should be left free to follow his own religion. This shows that all those people who accept this should be supported. Mr President, I again repeat that the Missionaries have got nothing to do with politics. (Laughter and applause). I support the proposals for self-government.

The Premier: Mr President, I am greatly surprised at this day which is, as the English saying says, "What a Red Letter Day". In the House of Assembly we are proud of talking at great length on the debate on this Motion, eighteen Members in the House of Assembly had been privileged to speak, nine on the Government side and nine on the Opposition side. They have all supported the Motion. Today in the House of Chiefs eighteen Chiefs have spoken, although there are no Opposition Members here. (Applause). It was something very gratifying for us sitting on this side of the House to see and hear the Chiefs approve what the Government is doing. This encourages us to pluck up more strength with which to face the responsibilities of the Region.

[THE PREMIER]

What have been numerous throughout the Debate have been warnings. There is someone who wants us on the day we come back from the Constitutional Conference not to arrive in Kano, but to land either in Lagos or in Khartoum if we do not fulfil their needs (*Applause*). With God's blessing and with your agreement, we hope to come back successful.

The Emir of Lapai asked about the Report of the Minorities Commission which he had wanted to be debated in this House. Although we have not got the Report, I am sure that those who are sensible know what is going to happen.

A lot has been said, one thing is what the Ohinoyi said, that they have got their warriors who will go to the field of battle. I think he was remembering the *Say* of the Durbar when the Emir of Kano rode holding his traditional spear. (*Laughter*). I am sure that will-power is still in him, and he will do nothing to disappoint you.

The honourable Emir of Zaria has reminded us of what he said seven years ago in Ibadan. At that time he had expressed his honest views which had given him praise from all the country. As truth never gets old, it has now repeated itself.

The Etsu of Pategi has warned us to preserve our customs and justice, and the judiciary must be in the hands of the Region. The judiciary is still under the control of the Region, and I do not wish for anything that cannot improve upon anything that has been agreed upon years ago.

The Etsu Nupe has said that we used to trade with cowries but the British had brought us coins and currencies, and what are we doing now? The question of currency is the responsibility of the Federal Government, which I understand has already been proposed.

The Atta of Igala has asked that everything within the law should be in the hands of Northerners, down to market stalls. I would like to assure the Atta that the policy of Northernisation is like a charm within our pillows which are always under our heads, and we sleep and rise with this question in our minds and by the grace of God the people of the South will leave the North.

Many people have said that I have said this and that, and this is what I have always expected to hear from Bornu, although I have not yet started criticising Mai Bedde, I would like to assure him that we have taken note of what he has said about the Fiscal Commission and we shall bear this in mind.

It is gratifying to see the Sultan rising to support what his lieutenants have said. We are speaking with the voice of the whole North.

I would like to support the views of the Chief of Kagoro in respect of what he has said about missionaries, because there are some who wrote me a letter of gratitude on the way we have been conducting our own affairs in this Region. They have shown their co-operation and they have promised their co-operation with the Regional Government. But it is always known that however small a house may be, there must be some whose views will go astray.

Mr President, on behalf of the delegates going to the London Conference, and on behalf of the Ministers, and those who are not ministers, I would like to thank this House and the Chiefs who have spoken to air their views. Although the Premier's name is always mentioned, yet I assure you that we always listen to the advice given to us by the Chiefs. I pray God that we may go and return successfully. (*Applause*).

Question proposed.

Question put and agreed.

Resolved: "That this House accepts the Government proposals contained in the Sessional Paper on Self-Government for the Northern Region and that a humble address be presented by the Government of the Region to Her Majesty praying that on 15th March, 1959, the Northern Region be granted Self-Government in respect of all the matters within the competence of the Regional Government".

The Clerk: Widows' and Orphans' Pension—Bill entitled The Widows' and Orphans' Pension (Northern Region) (Amendment) Law, 1958—Second Reading (The Minister of Finance).

The Minister of Finance: Mr President, Sir, I rise to move that a Bill entitled the Widows' and Orphans' Pension (Northern Region) (Amendment) Law, 1958 be read a second time.

The purpose of the Bill is to amend Section 6 of the Widows' and Orphans' Pension (Northern Region) Law, 1955, so that the legislation of this Region may conform with that of the Federation, following the introduction, with effect from the 1st of May, 1958 by the Federal Government, of the Widows' and Orphans' Pension Ordinance (Amendment) Ordinance, 1958. I should explain that the

Widows' and Orphans' Pensions Scheme managed by the Federal Government on behalf of all the Governments of Nigeria the interests of their officers, and the Federal legislation automatically applies in the case of such officers. It so happens, however, that this Region has similar legislation on the same subject, and it is therefore necessary for this Region to keep its legislation in conformity with the Federal legislation to avoid any apparent inconsistency.

This amending Bill, following the Federations' example, has two objects in view. First, to debar any officer recruited on contract terms by any Nigerian Government after the 31st March, 1958, from being eligible to contribute to the Widows' and Orphans' Pensions Scheme. Secondly, to enable any officer on contract who, at the 31st March, 1958, was in the service of any Nigerian Government to opt either to continue to contribute, or to cease to be a contributor and to be repaid his past contributions. The proposed repayments will not, of course, affect Regional finances in any way.

Sir, I beg to move.

The Minister of Education: Sir, I beg to second.

Question proposed.

Question put and agreed.

Bill accordingly read a second time.

Bill committed to a Committee of the Whole House.

(House in Committee)

Clauses 1 to 2 agreed to.

House resumed.

The Minister of Finance: Mr President, Sir, I beg to report the Bill from the Committee of the Whole House without amendment. I now move that the Bill be read a third time and passed.

Question proposed.

Question put and agreed.

Bill accordingly read the third time and passed.

The Minister of Education: Mr President, Sir, I beg to move that the House do now adjourn.

The Minister of Finance: Sir, I beg to second.

Adjourned accordingly at 2.05 p.m. until 10.00 a.m. tomorrow.



NORTHERN REGIONAL LEGISLATURE

HOUSE OF CHIEFS
DEBATES

OFFICIAL REPORT

(Second Legislature)

Second Session

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ADJOURNMENT [Col. 172]:

House adjourned *sine die* at 11.56 a.m.

HOUSE OF CHIEFS NORTHERN NIGERIA

Wednesday, 13th August, 1958

The House met at 10.00 a.m.

PRAYERS

(MR PRESIDENT, *in the Chair*)

Oaths

The following new Members made and subscribed the Affirmation as required by law:—

Mallam Isa, Chief of Shellen

Mallam Muhammadu, Chief of Kaltungo

Mallam Sambo, Chief of Donga

Mallam Abubakar, Chief of Lafiagi

Mallam Sule, Chief of Sharagi

Mallam Muhammadu Kabir, Chief of
Kupa Abugi

Nyelong, Longkema, Chief of Shendam

Yilsu Dimlong, Chief of Angas

Alhaji Abdullahi, Chief of Nassarawa
Eggon

Mark Hirse, Chief of Sura-Pyem.

The Premier: Mr President, Sir, I would like to welcome the ten new Members to this House. In fact there are eleven new Members, but the eleventh one is now attending a course in the United Kingdom—and that is the Chief of Minna. I hope that the new Members will do their best to keep up to the traditions of this House, which is well known for its dignity. (*Applause*). This House is one for the elders of the country and I hope that they will follow in the footsteps of the other Members. We pray that God will help them in working for the country. (*Applause*).

Mr President, when this House met for the first time we congratulated you upon your appointment as the President of the House. In the constitutional composition of the House there is provision for a President and for a Deputy President. The Government has realised that you are the person most suitable for the seat you now occupy. As for the post of Deputy President, the Government thinks it is most appropriate to leave the matter in the hands of the honourable Members of the House to nominate one of their number. I am glad to say that all the honourable Members have agreed to nominate the Emir of Dikwa to be Deputy President. (*Applause*).

Although this nomination has not yet been submitted to the Government, I do think that the Government will accept it.

The Emir of Dikwa is not a new Member of the House. He has been in the House for a long time and he has considerable experience of debating in this House. I think that all the Members of the House will agree with me if they remember what he said yesterday. My hope is that he will have time to go through and master the Standing Orders of the House. I hope that he will not have to interrupt and call me to order many times. (*Laughter*).

My third point is that honourable Members of this House will have been aware that at the beginning of the year the Government sent two delegations to the Sudan, Libya and Pakistan in order to get some information as to how justice is administered in those countries. We have chosen these three countries because the conditions of life in the countries is very much similar to ours. The customs, traditions and religions of the people of these countries are also similar to those of this country.

Among the members of these delegations, there was a Chief who is a Member of this House. I am glad to say that they have all come back safely and they have compiled their Report and submitted it to the Government. Nevertheless, the Government has found it appropriate to appoint another Committee which will consider the three Reports and give their recommendations. In doing this we have appointed three people from outside Nigeria. One of them, that is the Chairman of the Committee, is the Chief Justice of the Sudan. The other Member is a person who is very much accustomed to our traditions and customs, though he is not a Moslem, a Professor at London University—that is Mr Anderson. The third is the retired Chief Justice of Pakistan. This man is very much experienced in this type of work because he was the Chairman of the same type of Committee which was appointed in Pakistan. His name is Muhammed Sherif; and from within the country we have found it necessary get one or two persons from among the members of the delegation who would be able to explain the parts of their report fully, if need be. They are the Waziri of Bornu and Mr Peter Achimugu and then we have appointed the Chief Alkali of Bida to join them. We hope that they will begin their work on the 28th of this month. We pray that God will guide them on the right path to prepare something which will be of everlasting benefit to us. (*Applause*).

MOTIONS

Adjournment *Sine die*

The Emir of Kano: Mr President, Sir, I beg to move the Motion standing in my name on the Order Paper—

"That this House at its rising this day do adjourn *sine die*."

The Emir of Katsina: Mr President, I beg to second.

Question proposed.

Question put and agreed.

The Minister of Finance: Mr President, Sir, I rise to move the Motion standing in my name on the Order Paper that "This House do approve the directions for the operation of the Funds, except the Capital Development Fund, listed in the first and third parts of the first Schedule of the Control and Management of Public Finances Law, 1958."

Copies of the directions for these Funds have been provided for Chiefs' information. The Capital Development Fund Rules have already been approved as part of the Second Schedule to the Law and do not, therefore, require to be included in this Resolution.

Funds are necessary because it is not possible for all Government expenditure to be effected through the normal expenditure Sub-heads. It is instead funded, and utilised as required in accordance with the individual directions for the operation of the various Funds.

The directions are accounting rules for the administration of the Funds. Government has to seek the authority of the Legislature before additional money is put into any of the Funds.

In a number of cases the actual title of the Fund shown in the printed copies of the directions is not identical with the titles shown in the First Schedule of the Law. All the directions are intended to apply to the Funds set out in the First Schedule other than Development Funds. If the House agrees I intend to leave the conventional descriptions of the Funds given in the printed directions unaltered where they are shown in the First Schedule of the Law. It is clear to which Funds these directions apply.

Sir, I beg to move.

The Minister of Education: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Resolved:

"That this House do approve the directions for the operation of the Funds, except the Capital Development Fund, listed in the

first and third parts of the First Schedule of the Control and Management of Public Finances Law, 1958."

The Clerk: Supplementary Appropriation—Bill entitled The Northern Region 1958-59 Supplementary Appropriation Law, 1958—Order for the adjourned debate on the Second Reading read.

Question proposed.

The Emir of Lapai: Mr President, Sir, referring to the Supplementary Appropriation Law, 1958-59, I rise to make observations on the effects of the world economic situation on the prosperity of this Region. We are not happy that the price of groundnuts is falling and that the Marketing Board had to assist the farmers. I would like to suggest that it is high time that the Government began to think of exploring markets overseas for the sale of our groundnuts. The Information Service Department could help propagate advertisement of our export products to the countries. That may help to stimulate trade and good relations between this country and the others in the Commonwealth.

Again the Minister of Finance made a mention of Bornu Railway extension. It will not be out of place to express our appreciation on the part that America has played in this particular project. We thank the Nigerian Federal Government that sent a delegation to America for the purpose of getting a loan which was actually given to the tune of £10,000,000. That loan is making it possible to extend the railway to Bornu. I think I should place on record our deep gratitude to the American Government for making this development project possible. The benefits that will accrue to Nigeria from this Extension are very obvious.

In the course of his speech, the Minister of Finance told us that restriction has been placed on the exports of tin. May we know the cause for this restriction which has put many people out of employment in the mining areas?

I welcome the idea of establishing a Central Bank in Nigeria. This is a big step forward in the economic development of Nigeria.

The Minister of Finance also mentioned the battle for economy. He said that that battle would be continued. I should suggest that he makes it a permanent financial policy rather than a short-term policy.

At this point, Sir, I would like to say that the Regional Government should pay more careful attention to the method in which grant is paid

by the Federal Government so that it may always receive its fair share. It pains our hearts very much to learn that the North has been underpaid its due share on derivation principle by £500,000. We hope, Sir, that the Federal Government would do us justice by paying us the arrears due for the past years, as pointed out by an honourable Member yesterday.

Lastly, the Minister made a mention of self-government celebrations. Personally, I have no idea of how the celebrations are going to be performed. But I would like to suggest that it should include the provision of something concrete and permanent. Think of the visit of Her Majesty the Queen to Nigeria in 1956. All that remains of the Great Durbar and of big convoys to Kaduna from every direction is a matter of mere memory and history. Apart from the two columns built on the Zaria Road near the Nassarawa Ministers' Quarters, there is nothing to commemorate Her Majesty's August visit to the North. It is because of this that I would like to suggest that something like a column of a tower be constructed in permanent materials which can stand for centuries to come. This monument could be seen by the future generations.

With these remarks, Sir, I support the Supplementary Appropriation Law.

The Emir of Abuja: Mr President, Sir, I rise to support the Supplementary Appropriation Bill. Just as the previous speaker has mentioned, it is a very sad thing to hear that the prices of groundnuts and tin have fallen.

We are also glad to hear the Minister's speech on the extension of industry in Europe and America. We are glad because the extension of industry in these countries will make the people of these countries require raw materials from here.

It is also very interesting to hear that industries are being extended greatly in the North, and that a cigarette factory is going to be set up in Zaria. I can remember that some time last year an honourable Member of this House mentioned that there is suitable ground for the cultivation of tobacco in this area. I can also say that I know many places in Niger Province which are suitable for tobacco cultivation. If the Minister of Finance can remember, about four years ago, the Nigerian Tobacco Company sent a delegation to Niger Province in order to carry out investigations in the areas of Mokwa and Abuja. The Company sent in an outsider to my area in

Abuja in order to make the investigations. As it is a matter of pride for us to have a cigarette factory in the North, we must see that tobacco is cultivated in greater areas of the country. It will not be fair to have a cigarette factory and then import tobacco leaf from other places. We also hope that the persons to be employed in the factory at Zaria will be Northerners. If we have not got the right type of people at the moment, we hope the Minister will see to it that our boys are sent in order to learn the trade.

I conclude by emphasising that investigations should be made in the country in order to find out more suitable areas for the cultivation of tobacco.

Sir, I support the Bill.

The Minister of Finance: Mr President, Sir, the Etsu Lapai spoke about the price of groundnuts falling and suggested that we should explore markets overseas. Groundnuts are not sold only in the United Kingdom. They are sold on the Continent and elsewhere, the sole criterion being where the best price can be obtained. The most important point is what I said in my speech that it all depends on supply and demand. When the people want to buy more and more groundnuts, the price automatically rises, and when there is no demand, surely the price will fall.

He also spoke about the tin restriction and wanted to know the reason why. The reason is that there has been an influx of tin supplied by Russia, who has not previously supplied it. This matter is fully explained in paragraphs 15 and 16 of the memorandum accompanying the main estimates for 1958-59. The restriction has been enforced in the hope of maintaining the present selling price and so preventing very serious fall in revenue from royalties. If the production is not restricted the price will fall so low that it will be useless to mine any tin at all and all the mines would be closed. So, in order to maintain the supply and the price, the production has been restricted.

The Emir of Abuja also spoke about tobacco. I should like to assure him that the tobacco required for making cigarettes at Zaria is produced in this country, and also we supply tobacco to the Western Region where cigarettes are also manufactured. Only a small quantity is brought in from America to mix with our local tobacco. I should also like to assure him that any move by the farmers to grow tobacco will be encouraged by Government.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the Whole House.

(House in Committee)

Schedule

Head 222—Governor's Office

Question proposed "That the sum previously voted for the service of Head 222—Governor's Office—be increased by £139."

£139 for Head 222—Governor's Office—agreed to.

Head 223—Premier's Office

Question proposed "That the sum previously voted for the service of Head 223—Premier's Office—be increased by £17,295."

£17,295 for Head 223—Premier's Office—agreed to.

Head 224—Office of the Executive Council

Question proposed "That the sum previously voted for the service of Head 224—Office of the Executive Council—be increased by £2,020."

£2,020 for Head 224—Office of the Executive Council—agreed to.

Head 226—Commissioner in the United Kingdom

Question proposed "That the sum previously voted for the service of Head 226—Commissioner in the United Kingdom—be increased by £2,051."

£2,051 for Head 226—Commissioner in the United Kingdom—agreed to.

Head 229—Public Service Commission

Question proposed "That the sum previously voted for the service of Head 229—Public Service Commission—be increased by £1,250."

£1,250 for Head 229—Public Service Commission—agreed to.

Head 231—Ministry of Agriculture

Question proposed "That the sum previously voted for the service of Head 231—Ministry of Agriculture—be increased by £66,110."

£66,110 for Head 231—Ministry of Agriculture—agreed to.

Head 232—Ministry of Animal Health and Forestry

Question proposed "That the sum previously voted for the service of Head 232—Ministry of Animal Health and Forestry—be increased by £290."

£290 for Head 232—Ministry of Animal Health and Forestry—agreed to.

Head 233—Ministry of Education

Question proposed "That the sum previously voted for the service of Head 233—Ministry of Education—be increased by £5,150."

£5,150 for Head 233—Ministry of Education—agreed to.

Head 234—Ministry of Finance

Question proposed "That the sum previously voted for the service of Head 234—Ministry of Finance—be increased by £24,882."

£24,882 for Head 234—Ministry of Finance—agreed to.

Head 235—Payments to Other Governments, etc.

Question proposed "That the sum previously voted for the service of Head 235—Payments to Other Governments, etc.—be increased by £3,774."

£3,774 for Head 235—Payments to Other Governments, etc.—agreed to.

Head 239—Ministry of Health

Question proposed "That the sum previously voted for the service of Head 239—Ministry of Health—be increased by £8,522."

£8,522 for Head 239—Ministry of Health—agreed to.

Head 240—Ministry of Internal Affairs

Question proposed "That the sum previously voted for the service of Head 240—Ministry of Internal Affairs—be increased by £24,247."

£24,247 for Head 240—Ministry of Internal Affairs—agreed to.

Head 241—Ministry of Land and Survey

Question proposed "That the sum previously voted for the service of Head 241—Ministry of Land and Survey—be increased by £2,950."

£2,950 for Head 241—Ministry of Land and Survey—agreed to.

Head 244—Ministry of Local Government

Question proposed "That the sum previously voted for the service of Head 244—Ministry of Local Government—be increased by £1,175."

£1,175 for Head 244—Ministry of Local Government—agreed to.

Head 247—Ministry of Social Welfare and Co-operatives

Question proposed "That the sum previously voted for the service of Head 247—Ministry of Social Welfare and Co-operatives—be increased by £1,200."

£1,200 for Head 247—Ministry of Social Welfare and Co-operatives—agreed to.

Head 248—Ministry of Trade and Industry

Question proposed "That the sum previously voted for the service of Head 248 be increased by the sum of £20,078."

£20,078 for Head 248—Ministry of Trade and Industry—agreed to.

Head 249—Ministry of Works

Question proposed "That the sum previously voted for the service of Head 249—Ministry of Works—be increased by £2,725."

£2,725 for Head 249—Ministry of Works—agreed to.

Head 252—Works Extraordinary

Question proposed "That the sum previously voted for Head 252—Works Extraordinary—be increased by £15,010."

The Minister of Finance: Mr Chairman, Sir, I beg to move the Motion standing in my name on the Order Paper "That consideration of Head 252—Works Extraordinary, do include the examination and approval of the Capital Estimates".

It has been normal practice for the Capital Estimates to be discussed in Committee of Supply, but there was formerly no clear Statutory Provision for this. Now, however, Rules 5 (2) and 7 of the Rules governing the operation of the Capital Development Fund which are set out in the Second Schedule to the Law for the Control and Management of Public Finances, it is laid down that all proposals for expenditure from the Capital Estimates must be submitted to the Legislature by means of a motion. From now on, therefore, a motion seeking Legislative approval of all proposed expenditure from the Capital Development Fund will be moved at each Budget or Supplementary Budget Session.

Chiefs will, I think, agree with me that it is appropriate to consider the Capital Development Fund expenditure with Head 252—Works Extraordinary of the Recurrent Expenditure Estimates, after all the other Heads of the Recurrent Estimates have been taken.

Sir, I beg to move.

Question proposed.

Question put and agreed to.

Capital Estimates accordingly considered as follows:—

Head 280—Roads Development—agreed.

Head 281—Buildings, Ministry of Works—agreed.

Head 282—Water Supplies (Government)—agreed.

Head 285—Other Public Works—agreed

Head 286—Loan Expenditure—agreed.

Head 287—Other Capital Expenditure, Parts I—VIII—agreed.

Main question put and agreed to.

£15,010 for Head 252—Works Extraordinary—agreed to.

The question "That the sum of £198,868 do stand part of the Schedule" put and agreed to.

Clauses 1 and 2 agreed to.

Preamble agreed to.

House resumed.

Bill reported without amendment; read the third time and passed.

House suspended at 11.15 a.m.

House resumed at 11.30 a.m.

ORDER OF THE DAY

The Clerk: Supplementary Appropriation—Bill entitled the Northern Region 1956-57 Supplementary Appropriation Law, 1958—Order for the adjourned debate on the Second Reading read.

Question proposed again.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the Whole House.

(House in Committee)

Schedule

Head 221—The Governor

£412 for Head 221—The Governor—agreed to.

Head 222—The Premier's Office

£686 for Head 222—The Premier's Office—agreed to.

Head 225—Commissioner in the United Kingdom

£3,148 for Head 225—Commissioner in the United Kingdom—agreed to.

Head 234—Education

£329,184 for Head 234—Education—agreed to.

Head 248—Ministry for Northern Cameroons Affairs

£1 for Head 248—Ministry for Northern Cameroons Affairs—agreed to.

Head 259—Public Works Extraordinary

£8,378 for Head 259—Public Works Extraordinary—agreed to.

Head 260—Extra-Departmental Services

£7,960 for Head 260—Extra-Departmental Services—agreed to.

Head 261—Miscellaneous

£2,211,211 for Head 261—Miscellaneous agreed to.

Head 265—Land

£428 for Head 265—Land—agreed to.

Head 266—Moslem Court of Appeal

£34 for Head 266—Moslem Court of Appeal—agreed to.

Head 267—Ministry of Land and Survey

£562 for Head 267—Ministry of Land and Survey—agreed to.

Question proposed "That the sum of £2,562,004 be the total of the Schedule".

Question put and agreed to.

With the Consent of the House and the permission of the Chair, Heads were not called separately and the Schedule was taken as a whole.

Schedule agreed to.

Clauses 1 and 2 agreed to.

Preamble agreed to.

House resumed.

The Minister of Finance: Mr President, Sir, I beg to report the Bill back to the House from a Committee of the whole House without amendment, and to move that the Bill be now read a third time and passed.

The Minister of Land and Survey: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a third time and passed.

The Minister of Land and Survey: Mr President, Sir, I beg to move that the House do now adjourn *sine die*.

The Minister of Finance: Mr President, Sir, I beg to second.

Question proposed.

The Premier: Mr President, Sir, on the question that has been asked by the Emir of Misau about the provision that has been made for the celebration of self-government, I should like to give him an explanation in short. The Executive Council has already appointed a Committee to prepare for the celebration of self-government. In this Committee, there are three Chiefs and myself and three other Ministers. This Committee is not able to prepare all the things that have to be done for the celebration of self-government. Therefore, it has appointed other sub-committees in order to advise it on other minor matters.

At the meeting of the main Committee in Kano it has been proposed that there will not be any great celebration on March 15th next

year because it coincides with the month of Ramadhan. It has therefore been agreed that the 15th May of next year shall be the day for the celebration of self-government. On that day we hope that there will be a fireworks display in all the big towns. The 15th March falls on a Sunday and it has been proposed that both the House of Chiefs and the House of Assembly will be in Kaduna, and it is on that day that we want to show that we have accepted our self-government here in Lugard Hall, and it is on that day that the Executive Council will sit without the Governor presiding. It is after the first meeting of the Executive Council that Members of the Legislature will be addressed and it will be relayed over the radio for all the people to hear at the time throughout the Region, and it is after the meeting that there will be a cinema show in all the big towns to show all the people what has taken place that morning. Monday, the next day, will be a holiday. All the Members will then return to their homes.

After this nothing will take place until the 15th May because the sub-committees have not reported anything to the main Committee. Some of the sub-committees will report to the main Committee on Friday next. Therefore, what they are going to say I do not know, and, even if they say anything, nothing can be done until it has been approved by the Executive Council and therefore I hope that anything that has to be prepared will be prepared with the agreement of the Emir of Kano, the Emir of Katsina and the Aku of Wukari, who are Members of this House. After it has been prepared it will be made known to the public. As I have said in my speech, we want to do something that will publicise the name of our Region and I am sure that this is exactly what the Emir of Misau wants, (applause), and I hope that all the Chiefs will travel back to their homes safely.

Mr President: Before I put the question that the House adjourns *sine die*, I should now like to take this opportunity of congratulating the new Deputy President. I also welcome the new Members to this honourable House. I hope they will try and get used to the Standing Orders so that they will be able to express their views fully in the deliberations of the House.

Question put and agreed to.

Resolved:

"That the House do now adjourn *sine die*".

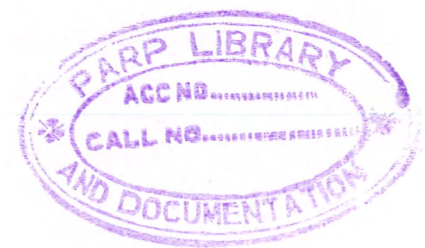
The House adjourned accordingly at 11.56 a.m. *sine die*.

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ABBREVIATIONS:—

2R	Second Reading
Com. S.	Committee Stage
3R	Third Reading
M.	Mallam
NA	Native Authorities
NR	Northern Region.

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NIGERIA

LEGISLATIVE COUNCIL
DEBATES

FIRST SESSION, 1924.

(29TH AND 30TH JULY, 1924.)

DEBATES
IN THE
LEGISLATIVE COUNCIL OF NIGERIA,
ON
Tuesday, July 29, 1924.

On the opening of the Meeting, the Honourable the
Members of the Legislative Council met at the
Council Chamber, Lagos, at 10.15 A.M.

PRESENT :—

- The Acting Governor,
His Excellency Sir Donald Cameron, K.B.E., C.M.G.,—
President.
- The Acting Chief Secretary to the Government,
The Honourable Mr. H. M-M. Moore.
- The Lieutenant-Governor, Southern Provinces,
His Honour Lieutenant-Colonel H. C. Moorhouse,
C.M.G., D.S.O., etc.
- The Lieutenant-Governor, Northern Provinces,
His Honour W. F. Gowers, C.M.G.
- The Attorney-General,
The Honourable Mr. D. Kingdon.
- The Commandant,
The Honourable Lieut.-Colonel J. F. Badham, D.S.O.
- The Director of the Medical and Sanitary Service,
The Honourable Dr. D. Alexander, C.M.G.
- The Treasurer,
The Honourable Mr. D. S. MacGregor.
- The Acting Director of Marine,
The Honourable Commander C. Elliott, R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Secretary for Native Affairs,
The Honourable Mr. S. M. Grier.
- The Senior Resident, Oyo Province,
The Honourable Captain W. A. Ross, C.M.G.

- The Secretary, Southern Provinces,
The Honourable Lieutenant-Colonel F. Jenkins, C.M.G.
- The Acting Deputy Chief Secretary,
The Honourable Mr. H. O. S. Wright.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland.
- The Director of Public Works,
The Honourable Mr. C. L. Cox.
- The Postmaster-General,
The Honourable Mr. H. M. Woolley.
- The Member for the Colony Division,
The Honourable Mr. Kitoyi Ajasa, O.B.E.
- The Member for Shipping,
The Honourable Mr. L. A. Archer.
- The Member for Calabar,
The Honourable Mr. K. Ata-Amonu.
- The Banking Member,
The Honourable Mr. W. F. Becker.
- The Member for the Rivers Division,
The Honourable Chief Mark Pepple Jaja.
- The Second Lagos Member,
The Honourable Mr. E. O. Moore.
- The Commercial Member for Calabar,
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.
- The First Lagos Member,
The Honourable Mr. J. E. Shyngle.
- The Commercial Member for Lagos,
The Honourable Mr. A. Rhodes.
- The Mining Member,
The Honourable Captain J. G. Foley, M.C.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.

ABSENT :—

- The Senior Resident, Cameroons Province,
The Senior Resident, Onitsha Province,
The Senior Resident, Kano Province,
The Senior Resident, Sokoto Province,
The Senior Resident, Nupe Province.

- The Senior Resident, Owerri Province,
The Senior Resident, Munshi Province,
The Senior Resident, Bauchi Province,
The Senior Resident, Bornu Province.
The Acting Secretary, Northern Provinces,
The Third Lagos Member,
The Commercial Member for Kano,
The Member for the Ibo Division,
The Member representing the Niger African Traders,
The Commercial Member for Port Harcourt.

OATHS.

His Honour the Lieutenant-Governor, Southern Provinces, the Honourable the Commandant, the Honourable the Director of the Medical and Sanitary Service, the Honourable the Acting Director of Marine, the Honourable the Acting Deputy Chief Secretary, the Honourable the Commercial Member for Lagos, the Honourable the Mining Member and the Honourable Member representing the Oyo Division took the Oath as Members of the Council.

MINUTES.

The minutes of the Meeting of the 31st of March, having been printed and circulated to Honourable Members, were taken as read and confirmed after the insertion of "The Hon. the Third Lagos Member" as one of the 16 for the first motion on page 14.

PETITION.

The Honourable the Second Lagos Member presented a petition from certain Petty Traders of Lagos against the exorbitant rate of Customs Duty on Fireworks.

The Hon. the Member for the Egba Division stated that he had received a petition from several of the inhabitants of Abeokuta through the Alake and Council which he desired to present to the Council.

His Excellency informed the honourable Member that the Council could not accept a petition that was not addressed to it, and suggested that if, as the honourable Member stated, it was intended for the Legislative Council, the Alake might attach a covering letter to the petition addressed to the Council and it would then be order.

The Hon. the Member for the Egba Division :—May I lay the petition on the Table of the Council in the meantime ?

His Excellency :—I think not.

PAPERS LAID.

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

- Sessional Paper No. 4 of 1924, Report on the Agricultural Department, 1923.
- Sessional Paper No. 5 of 1924, Reports by Police Magistrates, 1923.
- Sessional Paper No. 6 of 1924, Report on the Government Printing Office, 1923.
- Sessional Paper No. 7 of 1924, Reformatory for Juvenile Offenders.
- Sessional Paper No. 8 of 1924, Proceedings of British Empire Exhibition, Nigerian Section.
- Sessional Paper No. 9 of 1924, Formation of Regimental Depôt for the Nigeria Regiment.
- Sessional Paper No. 11 of 1924, Scheme for Water Supply for Kano.
- Sessional Paper No. 12 of 1924, Secretary of State's despatch approving the Estimates for the financial year 1924-5.
- Sessional Paper No. 13 of 1924, Report on the Veterinary Department, Northern Provinces, 1924.
- Sessional Paper No. 14 of 1924, Report by the Directors of the Public Officers' Guarantee Fund for the year 1923.
- Despatch from the Secretary of State for the Colonies No. 546 of 8th May, 1924, relating to the Standing Rules and Orders of the Legislative Council.
- Correspondence relating to Engineering and Traffic Surveys in connexion with future extensions of the Railway.
- Supplementary Estimates for the years 1923-24 and 1924-25.
- The Report of the General Manager, Nigerian Railway, 1923-24.

QUESTIONS.

The Hon. the Member for the Egba Division :—

Whether the Government is aware that the practice obtains at Abeokuta of numerous letters to various addressees being detained and not distributed until they are called for by the owners on a chance visit or periodical call or inquiry at the Post Office where the letters may have been lying for any period from a few days to some weeks ?

If so, whether the Postmaster-General is not of the opinion that in the interest of trade and commerce and the general convenience of so enlightened a public as that of Abeokuta a house to house distribution of letters is a necessity and should be commenced forthwith ?

The Hon. the Postmaster-General :—

House to house delivery of postal matter was undertaken in several towns in Southern Nigeria, including Abeokuta, prior to 1915 and proved a failure.

As the Honourable Member is no doubt aware, the majority of houses in such towns lack a proper system of address and a large proportion of the inhabitants have no certain means of identification from a postal standpoint. As a consequence, the bulk of postal correspondence for Africans even in Lagos, was, and is, insufficiently addressed.

These difficulties, which still obtain, were brought to the notice of Government and instructions were given in 1915 to abandon the house to house delivery at all towns, with the exception of Lagos. As I informed the Honourable the Member representing the Niger African Traders on the 11th February last it is not proposed to re-introduce the system.

The Hon. the Member for the Egba Division :—

Whether the Director of Agriculture will supply a list of the various agricultural experimental stations in the Northern as well as in the Southern Provinces and the annual cost of each of these stations for the past three years : and whether any or all the Native Administrations of the Provinces in which these experimental stations are established contribute towards their establishment and maintenance, and, if so, what are their respective annual contributions ?

The Hon. the Acting Chief Secretary to the Government :—

I lay on the table a list of the experimental stations in the Northern and Southern Provinces respectively, together with the annual cost of each for the past 3 years, exclusive of supervision.

None of the Native Administrations in whose territory these stations are situated has contributed towards their establishment or maintenance, but various Native Administrations both in the Northern and Southern Provinces contribute towards agricultural extension work, which is being carried on in their respective districts.

The following is a list of such expenditure for the year 1923-24.

		£	Remarks.
Zaria	Native Administration	454	Mainly for Cotton.
Kano	" "	326	" " "
Katsina	" "	316	" " "
Ilorin	" "	165	For Cotton, Kola and Tobacco.
Oyo	" "	297	For Cotton.
Ibadan	" "	341	For Cocoa.
Ife	" "	100	" "
Ilesha	" "	100	" "
Egba	" "	73	" "

The Hon. the Member for the Egba Division :—

Whether the Government is aware that the small experimental Station established in Abeokuta, near the Sokori stream, some time ago has proved an absolute failure; and whether considering that Abeokuta is principally an agricultural country, it is the intention of Government to establish an effective experimental station in Egbaland that will be worthy both of the Department and of the country?

The Hon. the Acting Chief Secretary to the Government :—

The "small experimental station" referred to as existing at Abeokuta is, in point of fact, what is known as "a model plot." A number of such plots were started some years ago in different places to demonstrate correct methods of cocoa and kola cultivation. They have fulfilled this function, and the plot at Abeokuta has also proved useful as a local centre of distribution of cocoa and kola seedlings for planting purposes. This plot has always been maintained in good condition, and it is proposed to offer to hand it over to the Egba Farmers' Association if, and when, that Association is prepared to take it over. Agricultural extension work in Egbaland is organised through the Agricultural Officer stationed at Agege. Last year a co-operative cocoa fermenting house was successfully started at Ajura, and it is hoped to extend this system of demonstration in the correct methods of cocoa curing and co-operative marketing of high-grade cocoa. It is also intended to give demonstrations in improved methods of palm-oil extraction in Egbaland, and this year the Department has established several experimental cotton plots near Ilugun. The Agricultural possibilities of Egbaland are fully realised, but having already got experimental stations at Ibadan and Agege—both within easy reach of Abeokuta—it is believed that the interests of Egbaland will be best served by extension work of the kind above indicated.

The Hon. the Member for the Egba Division :—

Whether the attention of Government has been drawn to the reports contained in the local press of cases of grave or fatal injuries arising from reckless driving by drivers of motor lorries plying between Lagos and Abeokuta?

If so, in view of this continued danger to human life, what steps does the Government propose to take with a view to checking or minimizing this grave danger?

The Hon. the Secretary, Southern Provinces :—

The attention of the Government has not been drawn specifically to any reports contained in the local press of cases of grave or fatal injuries arising from reckless driving by drivers of motor lorries plying between Lagos and Abeokuta. The Police, however, are always ready to receive and act upon any information which may lead to the conviction of any person for an offence under the Motor Traffic Ordinance which, in the opinion of the Government, provides the Police with the necessary statutory powers to deal with offences of this nature.

During the six months ending on the 30th of June last, six persons were convicted in the Provincial Court at Abeokuta, the Colony Police prosecuted 150 cases, obtaining 139 convictions, while the Egba Native Administration Police brought five cases, as the result of, which six persons were fined.

The Hon. the Member for the Egba Division :—

To ask whether the attention of Government has been directed to a report in one of our local Journals of the incident in connection with the burial of the man, Makinde, who died in the Hospital as the result of an accident in the Railway shop at Yaba on the 15th May. If the report is true, whether the Government will not adopt the necessary steps to bring about a change in the Hospital arrangements to avoid such grievous anomaly?

The Hon. the Director of the Medical and Sanitary Service :—

The attention of the Government was at once directed to the two reports which appeared in the *Nigerian Advocate* of 28th May and of June 11th reflecting on the conduct of an African Dispenser and an African Doctor in connexion with the case of a Railway labourer named Makinde who met with an accident in the Railway Workshops at Yaba, and the case was immediately investigated.

The facts of the case appear to be as follows :—

Makinde was brought to the Ebute Metta Dispensary at 8.30 a.m. on the 15th May, and first aid rendered by the Dispenser. Dr. Oluwole arrived from the Yaba Asylum at 9.15 a.m. He examined the patient and found there was only one small scalp wound from which there was no bleeding. There was, however, tenderness on palpating the abdomen suggestive of internal injury. The Railway Motor Ambulance was at once telephoned for and the patient sent in it to the Lagos Hospital, leaving Ebute Metta at about 9.40 a.m.

The patient was admitted to the Lagos Hospital and an operation was performed in the hope of saving his life. The injuries were found to be very serious and the patient died the same evening. The Coroner was informed, and a post-mortem examination made by Dr. Morrison the following day, Friday. The patient was wrapped in a hospital blanket and his clothes laid beside him in readiness for the relatives. Although his condition was known to be serious, his relatives did not trouble to make any further personal enquiries regarding the patient till Saturday morning. When they did appear, they made a plea of poverty and the deceased was buried in the usual way on Saturday afternoon.

From the above statement it will be observed that there is no foundation whatsoever for the allegations which were made in the public press to the effect that no adequate treatment was given to the man at the Ebute Metta Dispensary, and that he was subsequently "bundled into a two-wheeled ambulance truck propelled by a labourer under a fierce sun to the Colonial Hospital." In point of fact he was, as already stated, removed

in the Railway Motor Ambulance which Dr. Oluwole, the Medical Officer in charge, states the Railway authorities are always only too ready to provide for the transport to the hospital of any of their officials or employees of whatever grade or rank. Equally unfounded is the suggestion made, both in this case and in the case of Johnson, that no opportunities were given to the relatives of the deceased to make suitable arrangements for burial. Arrangements have been made for advising relatives of the serious condition or death of patients, but it should be remembered that it is often very difficult to locate addresses given. It is a matter for profound regret that those responsible for the articles in question should have taken no steps to verify their information from an authoritative source before publishing so serious an indictment of the efficiency and humanity of officers of the Medical Department.

The Hon. the Member for the Egba Division :—

Whether Government is still of the opinion that provision for a Steam Launch for Police Patrol work round the Lagoon is not an urgent necessity for the safety of life and property and in the interest of Commerce?

To ask the Inspector-General how many canoes are at his disposal for Police Patrol work round the Lagoon, the number of Water Police available on the whole, and the number of men on duty at a time?

The Hon. the Secretary, Southern Provinces :—

The answer to the first part of the question is in the affirmative.

There are four Police canoes and sixteen Water Police, of whom four are on duty by day and six by night.

As the Hon. Member was informed in February last in the course of the debate on the Estimates, the situation in the Port does not appear to warrant the provision of a police launch at present, nor does the Government consider that the recent case of piracy and murder committed on the Lagoon near Oriba would necessarily have been prevented, had the Police been in possession of a launch.

His Excellency :—I have noted the great importance which the honourable Member attaches to this matter, and I have had a further conversation with the Inspector-General of Police on the subject. In view of the larger number of ships that are now coming into the harbour, and in view of the fact that the Police will have to extend the area of their activities to the new wharves at Apapa, I have authorised the inclusion in the draft Estimates of the next financial year of provision for a motor launch, although I cannot say whether the Council will agree to vote the necessary money.

The Hon. the Banking Member :—

To ask the Hon. the Chief Secretary if he will state :—

- (a) How many non-natives were repatriated as prohibited immigrants under the Immigration Restriction Ordinance, 1916, during the year ending March 31st, 1924;
- (b) What part, if any, of the expense entailed was defrayed from public funds; and
- (c) How many, if any, of the deportees were ex-Government employees?

The Hon. the Acting Chief Secretary to the Government :—

- (a) Ten.
- (b) Thirty-nine pounds, fifteen shillings and two pence (£39 15s. 2d.).
- (c) None.

The Hon. the Banking Member expressed the opinion that the information furnished should be invariably included in the Annual Report of the Police Department.

His Excellency :—The Lieutenant-Governor will take a particular note of the wishes of the honourable Member with regard to the future.

The Hon. the Commercial Member for Lagos :—

To ask the Acting Chief Secretary to the Government if he is now in a position to make a statement in reply to the question asked by the Honourable the Commercial Member for Lagos at the Meeting of this Council on February 18th, 1924, on the subject of Residential Plots leased to Merchants at Ibadan?

The Hon. the Acting Chief Secretary to the Government :—

No, Sir. The interests concerned have been asked to submit their representations, but no reply has yet been received by the Government.

His Excellency :—Does the Honourable Member know what the meaning of the original question is?

The Hon. the Commercial Member for Lagos: Yes, Sir.

The Hon. the Commercial Member for Lagos :—

To ask the Acting Chief Secretary to the Government, with reference to the question asked by the Honourable the Commercial Member for Lagos at the Meeting of this Council on March 31st, 1924, on the insanitary condition of the surroundings of the Merchants' quarters, and in view of the increasing importance of Oshogbo, if there is any reason why Oshogbo should not be created a Second Class Township; and if no such reason exists, will consideration be given to the suggestion that such action be taken?



The Hon. the Senior Resident, Oyo Province :—

Your Excellency: The size of Oshogbo does not appear to justify declaring it a Second Class Township. The question of making it a Third Class Township is under consideration and this will give the necessary power to carry out any sanitary measures. The difficulty is that there is no Medical Officer resident, at Oshogbo.

The Hon. the Commercial Member for Lagos :—

To ask the Acting Chief Secretary to the Government if he can state whether Colonel Hammond's report on the operation of the Nigerian Railway has yet been submitted to the Secretary of State, and if information is available as to when this report is likely to be placed before this honourable Council?

The Hon. the Acting Chief Secretary to the Government :—

The Government has no information as to whether Colonel Hammond's report on the operation of the Nigerian Railway has yet been submitted to the Secretary of State, and it is therefore impossible to say when the report is likely to be placed before the Council.

The Hon. the Commercial Member for Lagos :—

To ask the General Manager of the Nigerian Railway if it is proposed to construct a Branch Railway line from Zaria in the direction of Sokoto?

If so, which towns will be served and when is the work likely to be commenced?

The Hon. the General Manager.

I refer the honourable Member to the despatches on this subject which have been laid on the table by the Acting Chief Secretary to-day, to which it is impossible to add anything at present except that a traffic survey party, based on Zaria and proceeding generally in a north westerly direction, is already in the field. Another party working up from the direction of Zungeru to the western part of Sokoto Province will commence operations at an early date.

The Hon. the Commercial Member for Lagos :—

To invite the attention of the Director of the Public Works Department to the fact that the Motor Road between Ibadan and Ijebu-Ode has been closed to Motor Traffic since June 19th, 1924, for repairs to bridges, and to ask if steps cannot be taken by the erection of permanent bridges, to ensure this road being open all the year round?

The Hon. the Director of Public Works :—

The bridges referred to are at miles 8½ and 13½ on the Ibadan-Ijebu-Ode road—they are timber trestle bridges with spans of 53 ft. and 11 ft. and were erected about 1915. These bridges

were not designed to take the loads now using them, and to safeguard traffic it has been considered necessary to close them whilst repairs are being undertaken. The bridge at 8½ miles is now completed and the one at 13½ will be opened in about 2 weeks.

2. Estimates are already being prepared for permanent bridges and will be submitted for inclusion in the draft estimates for 1925-26.

The Hon. the Commercial Member for Lagos :—

To ask the Secretary Southern Provinces, if his attention has been called to the need for more adequate police protection to private property, including river craft on the Forcados River up to the Assay Creek, and, if so, what action has been taken?

The Hon. the Secretary, Southern Provinces :—

Representations have been made to Government by merchants trading in the area referred to on the question of the losses that have occurred owing to burglaries. Owing to the scattered and isolated positions in which many of the premises are situated the question presents many difficulties, but it is engaging the attention of Government.

The Hon. Member for Calabar :—

To ask His Honour the Lieutenant-Governor for the Southern Provinces

(a) Whether Government will re-consider its refusal to pay in full the sum of £105 7s. 10d. being expenditure incurred by the Obon of Creek Town and his chiefs in connection with quarters and other buildings erected for the Native Court Clerk at Creek Town and a new kitchen and repairs done to the Rest House?

(b) In view of the fact that revenue from Native Courts go to Government, whether Government will re-consider its policy of asking chiefs to incur expenditure in connection with such Courts without making arrangements to pay same?

His Honour the Lieutenant-Governor, Southern Provinces :—

I propose to reply to the two questions together. The question of policy is being re-examined by me and will be referred for the consideration of the Government. The particular point raised in the first question will be reconsidered at the same time.

The Hon. Member for Calabar :—

Taking into consideration the present state of the town of Calabar, whether Government will not consider the advisability of putting the streets into proper repair and providing a lighting system and water, before the people can be called upon to pay rates?

His Honour the Lieutenant-Governor, Southern Provinces :—

It is hoped to provide in next year's Estimates a sum of £5,000 to place the more important roads in Calabar in proper and permanent state of repair. The questions of lighting and the

improvement of the water supply require consideration and cannot be dealt with in reply to a question.

The Hon. Member for Calabar:—

To ask the Secretary, Southern Provinces, whether it is not a fact that Calabar revenue for 1923-24 amounted to £240,000, and whether Government is in a position now to state how much of that sum was spent for the improvement of the Township and towards what direction the improvement took?

The Hon. the Secretary, Southern Provinces:—

The sum of £240,000 approximately represents the amount of Customs Revenue collected in Calabar in 1923-24. That amount does not of course represent the contribution from Calabar Town but from the whole area served by Calabar as a Port. The short notice given has not enabled the figures asked for to be obtained in time to be included in the reply. Generally the expenditure has been in connexion with the sanitary improvement of the Township.

The Hon. Member for Calabar:—

Whether there is not in the Colony of Sierra Leone a school for the sons and nominees of chiefs?

(b) What effect has this school had over the people within the Protectorate?

(c) Whether such a school in the Southern Provinces of Nigeria will not improve Native leadership and have a beneficial effect on the Native Courts?

The Hon. the Acting Chief Secretary to the Government:—

The Government has no information as to a School for the sons and nominees of Chiefs in the Colony of Sierra Leone.

The Hon. Member for Calabar:—

How much has Government collected by way of rent and from other sources in connection with the lands taken over from the Diobo at Port Harcourt?

(b) How much has Government paid to the rightful owners of the lands?

His Honour the Lieutenant-Governor, Southern Provinces:—

To collect the figures asked for by the honourable Member will necessitate considerable search through the Treasury records. The actual receipts from rents alone in the financial year 1923-24 was £3,115.

The answer to the second part of the question is "nothing." This however requires some amplification. When Port Harcourt was decided on as the terminus of the Railway, an agreement was entered into with the Diobu Chiefs, who ceded the land required

to Government for a lump sum payment of £2,000. Subsequently the signatories to the agreement refused to accept the money, owing partly to the difficulty of arriving at an agreement for the division of the sum and partly that permanent alienation of land was contrary to native custom. Various offers for commuting the lump sum payment to an annual rental were made but no arrangement was arrived at. Finally, in 1923, a fresh offer was made to the Diobu people under which they would have been paid an annual rental of £500 including arrears. A considerable portion of the land included in the original agreement was also to be restored to them under the new agreement offered to them. All the points included in the new agreement were accepted except the amount of the rent. The Government offered to submit the question of rent to the arbitration of His Honour the Chief Justice; this was accepted by the Diobus, and His Honour made a special visit to Port Harcourt for the purpose, but the Diobus refused to appear on the date fixed. After giving them an opportunity to reflect, the Government withdrew the offer.

The Hon. Member for Calabar:—

The intention of Government with reference to the Petition of the Obon, Chiefs and people of Calabar.

The Hon. the Acting Chief Secretary to the Government:—

The petition of the Obon, Chiefs and People of Calabar has been laid on the table, and it is now open to any honourable Member to give notice of any motion arising out of that petition which he may think proper to introduce, subject to the proviso contained in Rule 15 of the Standing Orders.

In the meantime the various questions raised in the petition are engaging the active attention of the Government. I may add that it is hoped to include £5,000 in next year's Estimates for metalting the streets and for a pontoon ferry across the Kwa River at Akimbo.

The Hon. Member for Calabar:—

To ask the Attorney-General: In view of the constant appeals from Native Courts to the Provincial Courts, whether Government should not curtail the jurisdiction of Native Courts with reference to ownership of lands, and confine such jurisdiction only to Provincial Courts, where the disputed ownership is outside the jurisdiction of the Supreme Court?

The Hon. the Attorney General:—

There is no appeal from the Native Courts to the Provincial Courts.

The question of the trial of disputes as to ownership of lands has been engaging the active attention of the Government, but no pronouncement on the subject can be made at the present time.

The Hon. the Commercial Member for Calabar :—Arising out of this reply may I enquire whether it is not the case that a considerable number of applications are made to officers of the Provincial Courts to review the judgments of Native Courts, although they are not directly appeals from the Native Courts. I do not know whether this practice is within the knowledge of the Honourable the Attorney-General.

The Hon. the Attorney-General :—That is so.

The Hon. the First Lagos Member :—I would like to know whether it had come to the knowledge of the Government that it was the practice of Residents and District Officers in the Provinces, especially in the Eastern Provinces, to refuse to issue summonses in the Provincial Courts in cases where the summons is taken to them by a clerk of the legal practitioner.

His Excellency :—I must ask the honourable Member to give notice of that question. Representations to a somewhat similar effect were made not long ago and instructions of a very precise character have been given. The answer now ought to be in the negative.

The Hon. Member for Calabar :—

Seeing that the Provincial Courts often show lack of appreciation of the law of evidence in Criminal cases, as is now instanced in the case of *Res v. Akpan Essien* and three others, whether capital cases should not always be tried in the Supreme Court?

The Hon. the Attorney-General :—

The notice given of this Question, Sir, has not allowed time for reference to the case referred to.

The existing judicial system, which has been in force in Nigeria for several years, was adopted after very full consideration, and it is not the opinion of the Government that there are any sufficient reasons for altering it in the drastic manner suggested in the question.

The Hon. Member for Calabar :—

To lay on the table the proceedings and the report of Mr. Hunt, in the case of Fritz Williams, who was sentenced to 2 years for forgery and embezzling a pig in 1920.

Also the report of the Resident to the Secretary, Southern Provinces, dated May, 1920.

The Hon. the Secretary, Southern Provinces :—

It is considered that if the person mentioned or those appearing for him require a copy of the proceedings, they should obtain them in the ordinary manner, as explained to the honourable Member by the Acting Attorney-General in reply to a similar question in February last. Reports such as those referred to in the question cannot be laid on the table.

His Excellency :—There may be difficulty in obtaining a copy of the proceedings in this case which was tried in the Cameroons, and, if the honourable Member so desires, the Secretary of the Southern Provinces will show him the proceedings personally, if he will apply to him.

The Hon. the First Lagos Member :—

To ask, whether the attention of the Sanitary Department has been called to the recent large number of deaths, over 24 in all, which have occurred within a fortnight at Oko Awo, especially as in one instance, the whole of the inmates of the house of one Hausa Trader, Bogobiri by name, totalling 9 persons, including men, women, and children, were practically wiped out?

(b) Whether the disease which is the cause of these sudden deaths has been diagnosed by the Medical Authorities: and if so, whether a Report of such investigation will be laid on the Table of this honourable Council, at the same time stating what steps have been taken to prevent its spread?

The Hon. the Director of the Medical and Sanitary Service :—

Ever since the Gold Coast was declared infected from plague, every possible precaution has been taken in Lagos and Nigeria generally to prevent the infection spreading here. On the 15th July the attention of the Health Authorities was drawn to an unusual number of deaths in the Oko-Awo area, and close investigation over that area was immediately begun. On the same day instructions were issued that a post-mortem examination should be made in the case of every subsequent death in that area. The existence of an epidemic of pneumonia was discovered and diagnosed post-mortem as due to Influenza. It was not until the evening of the 27th that smears taken from a case on post-mortem gave rise to suspicion that death might have been due to plague. Unfortunately, post-mortem examination on a case that died on the 28th *i.e.* yesterday, proved that death was undoubtedly due to plague in this last case.

In the case of Bogobiri referred to, the facts are as follows :—

- (1) Bogobiri, who died of pneumonia on the 7th July at 3 Onikoro Street, was attended by a private medical practitioner and his death was certified.
- (2) Kande his wife died on the 11th, also at 3 Onikoro Street. She was not attended by a doctor and death was stated to be due to diarrhoea.
- (3) Awatu, a second wife, died at 25 Onikoro Street on the 18th and death was ascertained post-mortem to be due to pneumonia.
- (4) A third wife died outside the Oko Awo area from abortion, said to be due to shock on hearing of the other deaths.

- (5) Three servants died on the 11th, 15th, and 17th July, one at 25 Onikoro Street and two at 16 Oroyinyin Street, and the last two are known to have died of pneumonia.
- (6) The mother of the first wife (Kande) is stated to have died at Ebute Mettu ten days ago, but it has been ascertained that she had not visited her family for 3 years. None of the children have died, I am informed.

The total number of deaths in the Oko Awo area from the 1st to the 25th July is 38 from all causes, that is, about three times the number for the corresponding month last year.

The total deaths registered in Lagos for each of the three months April-June for 1923 and 1924 are given for comparison.

	1923.	1924.
April	176	158
May	176	207
June	134	197

The notice given for this question has been so short that it is impossible to lay a fuller report before the Legislative Council than the answer now given. The Health Authorities are alive to the necessity that every possible precaution should be taken and every line of investigation pursued, and in this they have the full support of the Government.

At the request of His Excellency, the Hon. the Director of the Medical and Sanitary Service added that, since he came to the Council, he had received a note from the Deputy Director of the Sanitary Service reporting that two more cases of plague had been diagnosed in the Lagos Hospital.

His Excellency:—All the money required for the campaign will be put at the disposal of the Medical Authorities, and I have no doubt that any expenditure incurred while the Council was not in Session would be approved by it at its first sitting. It is essential that money should be spent to do all that was possible to combat the menace at the beginning.

It was understood that the Unofficial Members agreed that any precautionary measures deemed necessary by the Hon. the Director of the Medical and Sanitary Service should not be hampered for lack of funds and that any supplementary vote for such expenditure would meet with no opposition from them.

The Hon. the First Lagos Member:—

To ask, whether the Government has received a reply from the Right Honourable the Secretary of State for the Colonies in answer to the communication which accompanied the Report of the Committee appointed to enquire into the housing scheme for African Officials in the Civil Service of Nigeria?

(b) And whether Government will lay the papers referring thereto on the Table of this honourable Council?

The Hon. the Acting Chief Secretary to the Government:—

The Government received a reply from the Secretary of State in answer to the communication which accompanied the Report of the Committee appointed to inquire into the housing scheme for African Officials in the Civil Service of Nigeria, by the mail of the 24th instant.

The papers will be laid on the Table shortly.

The Hon. the First Lagos Member:—

To ask whether the attention of the Government of Nigeria has been directed to the answer given in the House of Commons on the 18th February last by the Right Honourable the Secretary of State for the Colonies to Lieutenant-Colonel Moyler stating that:—

“During 1922, 88 persons suffered capital punishment in Nigeria (including the mandated territory of the British sphere of the Cameroons).

It is not known whether these persons employed legal assistance in the preparation of their defence, but there was no legal bar to their doing so.”

If so, what proportion of the 88 persons was tried in the Provincial Courts of Nigeria?

(b) And whether the Government will invite the attention of His Majesty's Principal Secretary of State for the Colonies to Section 33 (1) of the Provincial Courts Ordinance which provides that:—

“In no cause or matter before a Provincial Court shall the employment of a Legal Practitioner be allowed.”

The Hon. the Acting Chief Secretary to the Government:—

The honourable Member has already been informed at the last meeting of Council that of the 88 persons 80 were tried in the Provincial Courts.

In reply to the second part of his question, I would state that, although of course Counsel may not appear in Provincial Courts, there is no law to hinder an accused person from being assisted by Counsel or by anybody else in preparing his defence, which was the question asked in the House of Commons.

The Hon. the First Lagos Member:—

To ask His Honour the Lieutenant-Governor of the Southern Provinces and Administrator of the Colony:—

(a) Whether His Honour was correctly reported in the following paragraph, which purports to be an extract of his speech at the Bonanza Hotel on the 12th June last, viz:—

"He was very glad that through the newly-constituted Legislative Council the people of this Country were privileged to have a much bigger share in the management of their affairs, and he was in full sympathy with any effort that the people might make for wider representation, but when it came to self-Government, which some people so rashly talked about, he would say quite plainly that this country could not be fit for it for many years to come."

And, if so, will His Honour kindly inform this Council what body of persons or individuals in any of the British West African Colonies, and particularly in Nigeria, have given expression at any time to the demand for "Self-Government"; the only body in West Africa which had approached His Majesty's Government being the National Congress of British West Africa with the request for

"Legislative (including Municipal) Reforms and the granting of the Franchise and Administrative Reforms, with particular reference to equal rights and opportunities."

as embodied in seven resolutions passed at Accra on the Gold Coast in March, 1920, and published in London, a copy of which was forwarded from London to His Excellency the Governor of Nigeria in January, 1921.

(b) Whether His Honour the Lieutenant-Governor of the Southern Provinces was reported accurately in the following paragraph, under the Heading:—"NIGERIAN DINNER CLUB GATHERING—Col. Moorhouse on the New Day"—which appeared on page 1555 of the December 22, 1923, issue of the London Weekly Paper *West Africa* :—

"Since the last meeting the electors of Lagos and Calabar had had the opportunity of exercising their somewhat limited franchise, outlined by Sir Hugh Clifford's speech last June. Whether they had rightly and wisely exercised that franchise must be a matter of opinion, and only time could show, but he thought it must be a matter of regret that they were unable out of the four members elected to the Council to find one born and bred in Nigeria and had to go to outside Colonies."

And, if so, whether His Honour is of the opinion, in view of the fact that European interests in Nigeria are well represented by the nominated European Members of the various Chambers of Commerce and other interests, including Banking and Shipping, together with the preponderating official majority in the existing Council, and having regard to Article 14 of the Letters Patent of the 21st November, 1922, that it was the intention of the Government that the three elected members for Lagos and the one elected member for Calabar should be persons of African descent born and bred in Nigeria?

(c) And why does His Honour consider that it must be a matter of regret that persons of African descent were elected to

the Legislative Council of Nigeria in September last who, although resident in Nigeria, were not born and bred in Nigeria but in one or other of the sister-British West African Colonies?

His Honour the Lieutenant-Governor, Southern Provinces :—

In reply to the honourable Member's question I desire to make it clear that in both the speeches quoted I was not making an official pronouncement of the Government's attitude on the questions referred to, but was voicing my personal opinions to a gathering which was in each case of an informal and unofficial character. I was present on June 12th at a dinner given to the Honourable the Member for the Colony Division in celebration of the "birthday" honour conferred on that gentleman by His Majesty the King, and was suddenly called upon to make an extempore speech. I have no notes of what I said on that occasion, nor was any record of any such speech submitted to me for emendation before publication—I assume that the quotation marks in the question imply publication though I have not seen it. If in the course of my speech the words "self government" were used I can assure the honourable Member that there was no intention of suggesting that "self government" had been demanded by any body of persons in Nigeria or West Africa. As far as I recollect, the purport of my speech was to uphold the principle of representation of the people in our Legislative Assembly and the increase of such representation as the people showed their fitness for it, but at the same time to deprecate any demand for further representation until that recently granted had been given a fair trial.

As regards the second portion of the honourable Member's question the quotation given is, as far as any report which is not verbatim can be, an accurate representation of what I said on the occasion referred to. The construction which the honourable Member seeks to place on Article 14 of the Letters Patent is not in accordance with anything I said in my speech. I can only repeat as my personal opinion that it is regrettable that the electors of Nigeria on the first grant of the franchise have not found it possible to elect members of Nigerian descent to represent them. I am glad of this opportunity to express my regret to the Honourable the Second Lagos Member that I inadvertently classed him as a non-Nigerian.

The Hon. the First Lagos Member :—

To ask, (a) what is the total cost, up to date, of the Electric Light and Power Station at Ijora, and what portion of this sum was actually spent on the following :—

1. Acquisition of Land.
2. Number and Cost of Bungalows.
3. Furniture for Bungalows.
4. Drainage and Water Supply.
5. Transfer from Ajele Street to Ijora.
6. Electric Light and Power Plants.
7. Electric Light and Power Station Buildings.
8. The Chimney (Materials and Labour).

(b) What is the total Revenue derived between the 1st April, 1923, and the 31st March, 1924: (1) From Private Consumers whose houses are supplied with Electric Light? (2) From Officials of the Government who occupy Government Quarters?

(c) What is the total cost of fuel consumed by the Electric Light Station from 1st April, 1923, to 31st March, 1924, and what is the cost for that period of the Staff (European and African) employed in the Electric Light Department?

(d) Why has the light supplied from the New Electric Light and Power Station at Ijora been so poor, and what is the cause of so many break-downs in the supply lately, between 7 and 10 p.m. principally?

The Hon. the Director of Public Works:—

The total cost up to date of the Ijora Power Scheme is about £300,000. This figure is exclusive of the following items:—

(1) *Acquisition of Land.* I am informed that the cost of acquisitions on Iddo Island was £65,310 3s. 6d. but this included lands set apart for Railway, Sawmill, P. W. D. Stores, Bungalows and other purposes. The cost of the area utilized by the Power Station cannot be given separately.

(2) *Bungalows.* Eight bungalows are provided for the Power Station Staff. Their cost was £14,450 and the cost of furniture £880.

(3) *Drainage and Water Supply.* No drainage works have been undertaken. The cost of main water supply to Iddo Island was £3,500. This serves the Railway and other public premises as well as the Power Station.

2. The cost otherwise of the transfer from Ajele Street to Ijora was negligible and has not been accounted for separately.

3. The cost of the Electric Light and Power Plant exclusive of cables and subsidiary works was about £154,000.

4. The cost of the Electric Light and Power Station Buildings including Sub-station Buildings was about £70,000. The cost of materials and labour on the chimney were not separated and are included in this figure.

Question "B."

The total revenue between the 1st of April, 1923 and the 31st of March, 1924, was as follows:—

	£	s.	d.
(1) Private Consumers lighting ...	5,357	8	9
(2) " " power ...	567	16	4
(3) Street lighting and Municipal Offices	5,234	13	8
(4) Railway power ...	780	0	9
(5) Railway lighting including Quarters	1,446	3	5
(6) From Officials occupying Government Quarters ...	1,064	12	1
(7) Lighting of Government buildings	2,406	11	1
(8) Power of P.W.D. Workshops, Printing Office, etc. ...	2,100	3	1
(9) Power Iddo Sawmill ...	1,102	8	4
	<u>£20,059</u>	<u>17</u>	<u>6</u>

Items Nos. 7 and 8 are book transactions.

Question "C."

The cost of fuel during the period named is as follows:—

(1) Oil fuel at old Station ...	£1,235	16	11
(2) Coal fuel at new Station ...	3,393	10	0

The latter figure includes the cost of the reserve supply.

The cost of the Staff of the Electric Light Department other than those employed on construction was as follows:—

(1) European Staff ...	£5,883	15	10
(2) African Staff ...	554	0	0

These items are inclusive of allowances and passages but exclusive of Clerical and Accounting Staff.

Question "D"

In reply to question "D" I would state that the redistribution is not yet completed in all Districts. All existing consumers had to be transferred from the old to the new system at once and the new distribution balanced after the transfer. This is a process which takes time and requires considerable attention and care. Three breakdowns have occurred at the Iddo Power Station, the longest of half an hour's duration. Local breakdowns, to which the honourable Member probably refers, may be due to temporary faults in the balancing to which I have already alluded and to interference with the overhead system by falling branches, kite strings etc. I may add that under the new system such faults do not necessarily cause complete extinction of house lamps. If consumers would notify the Chief Electrical Engineer when their lamps are dim, it would be of assistance to the Department in balancing the circuits and would enable faults to receive immediate attention.

The Hon. the First Lagos Member:—

To ask, in view of the expiration on the 31st instant of the period of leave granted to Mr. Henry Carr, I.S.O., Resident of the Colony, who, thereupon, is to retire on pension from the Civil Service of the Government of Nigeria, is the Government now in the position to make an announcement whether it is contemplated to appoint a successor, or whether, by way of retrenchment, the Government intend to abolish the office of Resident of the Colony or merge it with a subordinate appointment in the departmental branch of Native Affairs in the Central Secretariat?

The Hon. the Acting Chief Secretary to the Government:—

The Government is not at present in a position to make any announcement of the kind asked for by the honourable Member. The question is receiving the careful consideration of the Government and a decision may be expected within the next few months. It will be duly communicated to the Council.

The Hon. the First Lagos Member :—

To ask, whether the establishment of a Police Court at Ebute-Metta has created any increase in the work of the Police Magistrates; and if so, what is the percentage of such increase both at Ebute-Metta and at Tinubu Square in proportion to the number of cases before the establishment of the Ebute-Metta Court?

The Hon. the Acting Chief Secretary to the Government :—

Comparative figures showing the number of cases disposed of in the Lagos and Ebute Metta Police Courts will be found on pages 3 and 6 of the Annual Reports of the Police Magistrates, for the year 1923, which have been printed and laid on the table as Sessional Paper No. 5 of 1924.

The Hon. the First Lagos Member :—

To ask, whether the Revenue derived from the Judicial Department, and the volume of increased work and consequent responsibility do not justify a revision of the status and emoluments of the Judicial Officers of this Colony, and particularly the Police Magistrates, who are at present classed as Senior District Officers?

The Hon. the Chief Secretary to the Government :—

The answer is in the negative.

The Hon. the Second Lagos Member :—

Whether Government will not re-consider its decision not to lay on the Table of this Council the correspondence between the Sierra Leone and the Nigerian Governments, and also that between the West African Governments and the Secretary of State for the Colonies, relative to the establishment of a West African Court of Appeal, in view of the importance of the question and the widespread desire for the establishment of such a tribunal?

The Hon. the Acting Chief Secretary to the Government :—

It is understood that a conference on this subject has recently been held at the Colonial Office, at which representatives of the West African Colonies were present. The result of this conference has not yet been communicated to the Government. When it has been received the question of publishing papers will be re-examined.

The Hon. the Commercial Member for Calabar :—

To ask the Honourable the Acting Chief Secretary to the Government how the revenue and expenditure by the latest available figures differ from the corresponding Estimates for the current financial year.

The Hon. the Treasurer :—

The only figures so far available for the Current Financial Year are those for the month of April. In that month the actual revenue was £500,810 against a proportionate estimate of £477,913; and the actual expenditure was £534,151 against a proportionate estimate of £499,139.

His Excellency :—The comparison of the actual figures with the proportionate estimate is not of much value since April happens to be a month in which expenditure is invariably heavier than in other months, debt charges, for instance, being paid in that month.

The Hon. the Commercial Member for Calabar :—

To ask the Honourable the Acting Chief Secretary to the Government what is the practice of the Government in dealing with a surplus at the end of a financial year: what procedure is adopted regarding the investment or expenditure of such surplus; and whether such investment or expenditure will be laid before the Council for consideration?

The Hon. the Acting Chief Secretary to the Government :—

As the honourable Member will perceive from the Financial Statement on page 4 of the Estimates for the current year, the surplus balances are brought in to the budget for the financial year and treated in the same manner as the revenue for the year, and expenditure therefrom being subject to a vote of the Council. The free balances are invested temporarily until they are required.

The Hon. the Commercial Member for Calabar :—Arising out of this answer may I ask how the investments were carried out, and whether it was left to the Crown Agents.

The Hon. the Treasurer :—No more money is kept in the Colony than is needed from day to day and all money, apart from this, is forwarded to the Crown Agents by cable. The Crown Agents usually require a standing sum of about £25,000. Anything above that is immediately invested.

The Hon. the Commercial Member for Calabar :—May I enquire whether there is any public statement of the revenue derived from the investment of surplus balances.

The Hon. the Treasurer :—Such revenue is shown in the Financial Statements appended to the Annual Report of the Treasurer under the Head "Interest," under Revenue.

The Hon. the Commercial Member for Calabar :—

To ask the Honourable the Acting Chief Secretary to the Government whether he has any information to give to the Council regarding the Committee of Inquiry into the loss and depreciation of Public Works Stores (timber) at Iddo; whether the contract for the supply of the timber in question and the arrangements for dealing with the timber were submitted to the

Forestry Department before the contract was entered into; whether the contract was drawn up by the Law Officers of the Government, and if not, by whom was it drawn up?

The Hon. the Acting Chief Secretary to the Government :—

The report of the Committee of Enquiry has been received and forwarded to the Secretary of State. It will be laid before the Council as soon as a reply has been received. The answers to the second and third parts of the question are in the affirmative.

The Hon. the Commercial Member for Calabar :—

To ask the Honourable the Acting Chief Secretary to the Government whether it is a fact that the Customs Sheds now approaching completion at Port Harcourt are built in a much more expensive style than any other warehouses or stores hitherto erected by the Government or any Company in the Protectorate; what is the reason for this extra expenditure; whether sheds of the same style as those in use for many years in Lagos could not have been erected at Port Harcourt much more cheaply than those in question, and why this was not done?

The Hon. the Acting Chief Secretary to the Government :—

The two sheds on the new Railway Wharf at Port Harcourt are in accordance with specifications furnished by the Consulting Engineers. It is understood that the Consulting Engineers followed the designs of sheds for the same purpose which they had erected elsewhere. Cheaper sheds could have been built but they would have had a much shorter life than the sheds which have been erected.

The Hon. the Commercial Member for Calabar suggested that the sheds were built with a view to a second storey being added.

His Excellency :—That is so. What is required, however, is more wharfage rather than more storage, and it is proposed that more wharfage accommodation should be provided. I have recently addressed the Secretary of State on the subject, and the despatch will be laid before the Council and honourable Members will then see that it has been recommended that a cheaper type of shed should be provided.

The Hon. the Commercial Member for Calabar :—

To ask the Honourable the Comptroller of Customs whether, before the plans and specifications of the Customs Sheds at Port Harcourt were passed, his Department was consulted about them; and whether the views of the Collector of Customs at Port Harcourt were obtained?

The Hon. the Comptroller of Customs :—

The then Comptroller of Customs was very fully consulted before the scheme for the Wharf and sheds at Port Harcourt was sanctioned. He visited Port Harcourt on the subject, and I have no doubt that he consulted his local officers.

The Hon. the Commercial Member for Calabar :—Was a second storey advised?

His Excellency :—Strongly.

The Hon. the Commercial Member for Calabar :—May I ask whether the present Comptroller of Customs is of opinion that the second storey is advisable.

The Hon. the Comptroller of Customs replied in the negative.

The Hon. the Commercial Member for Calabar :—

To ask the Honourable the Acting Chief Secretary to the Government under what system the contract or other arrangement for the planning and erection of the Customs Sheds at Port Harcourt was made; what steps, if any, were taken to ensure that the Government should have the advantage of competitive tendering for the planning and erection of these sheds; and what is the general practice of the Government regarding such works?

The Hon. the Acting Chief Secretary to the Government :—

The Harbour Works at Port Harcourt are being carried out in accordance with the advice of the Consulting Engineers, Messrs. Coode, Fitzmaurice, Wilson and Mitchell, and all heads of departments concerned were fully consulted before the approved scheme was finally adopted. The sheds are not being erected by the Consulting Engineers: they are being erected departmentally. The general practice of the Government regarding such works is to employ a firm of Consulting Engineers and to throw the work out to public tender through the Crown Agents for the Colonies—as in the case of the Apapa Wharves—if it is considered to be in the public interest so to do. In this instance it was considered that the work could be done more expeditiously if it was carried out departmentally, as it could then be commenced at once, and the present situation at Port Harcourt indicates that the decision so taken was the right one. The work has been carried out most successfully and expeditiously by the Resident Engineer, Mr. H. M. Lawson, and his staff, with a considerable saving on the estimated expenditure.

The Hon. the Commercial Member for Calabar :—May I ask on what basis the remuneration to the Consulting Engineers for preparing the plans for these buildings was based?

His Excellency :—There are different methods of remuneration. I shall have to ask the honourable Member to give notice of that question.

The Hon. the Commercial Member for Calabar :—

To ask His Honour the Lieutenant-Governor of the Southern Provinces whether it is not possible to delegate to Residents of Provinces the power to approve of Instruments under the Native Lands Acquisition Ordinance; whether, having regard to the objects of that Ordinance and to the fact that it takes about eighteen months on an average to get deed plans, it is

really necessary to delay the approval of Government until deed plans are available; whether this question has been the subject of communications with the Right Honourable the Secretary of State, and, if so, what are the views of the Right Honourable the Secretary of State on the question?

His Honour the Lieutenant-Governor, Southern Provinces:—

The powers under this Ordinance have already been delegated to the Lieutenant-Governor. It is not considered that further delegation to Residents is either desirable or that it would to any great extent expedite the issue of the deed plans. It is true that in many cases the issue of deed plans is delayed, but this is almost invariably due to the difficulty of obtaining a survey. It is extremely rare for the approval of Government to be delayed for the plans, provided that boundaries are defined in some permanent form. The reply to the last part of the question is in the negative.

The Hon. the Commercial Member for Calabar:—

To ask His Honour the Lieutenant-Governor for the Southern Provinces whether he has any statement to make in regard to the recommendations as to improving the connection of Calabar with the Railway and the main roads of the Eastern Provinces, which were made to, and approved by His Honour at a recent meeting at Calabar of all the interests concerned?

His Honour the Lieutenant-Governor, Southern Provinces:—

The matter to which the question refers was brought to my notice directly for the first time on June 28th at a meeting at Calabar. I have communicated the views of the residents in Calabar on the subject to the Government. It is a matter that requires fuller consideration than it has been possible to give to it since that date, and I am not in a position to make any statement at present.

His Excellency:—I admit that I had never before heard of the proposal. It is entirely new to me.

The Hon. the Commercial Member for Calabar:—

To ask the Honourable the Comptroller of Customs whether he is aware that the Calabar Chamber of Commerce is of opinion that the shed and wharf accommodation of the port is quite inadequate for the requirements of the port; whether he agrees in that opinion; whether he has received any communication from the Collector of Customs at Calabar on the subject; what are the terms of such communication, and whether he has made, or is making any recommendations to the Government in this connection?

The Hon. the Comptroller of Customs:—

Yes, Sir, I am aware of the opinion of the Calabar Chamber of Commerce on the shed and wharf accommodation at Calabar, and I have expressed my agreement with that opinion. I have received a communication from the Collector of Customs at

Calabar on the subject but there is nothing in that communication which has not already been considered. In March of last year I submitted for the consideration of Government the following proposals:—

- (a) Widening the "Ivy" Wharf and extending it to enable one steamer to work four latches;
- (b) Converting the existing sheds, including the Engineering Shops into Transit Sheds;
- (c) Demolishing all unnecessary buildings;
- (d) Widening the roadway by cutting away ten or twelve feet from certain of the sheds.

2. The cost of these works would be considerable, and in this connection I would invite the honourable Member's attention to the reply given on the 11th of February last in this Council on the subject.

The Hon. the Commercial Member for Calabar:—

To ask the Honourable the Director of Public Works what steps have been taken regarding the authorised expenditure of £500 to improve the Ivy Wharf at Calabar; whether anything effective has yet been done; what precisely is to be done with this sum and when will the work be completed?

The Hon. the Director of Public Works:—

The proposal is to place reinforced concrete pile dolphins at each end of the wharf.

Piles were sent from Lagos in March but some were damaged in transit. There has been delay in obtaining the necessary pile driving pontoon. I am enquiring as to the present position of the work and the date when it will be completed.

The Hon. the Commercial Member for Calabar:—

To ask the Honourable the Acting Chief Secretary to the Government whether he is in a position to undertake that the Report of Colonel Hammond on the Railway will be in the hands of members of this Council in ample time for consideration before next year's Estimates are laid before this Council?

The Hon. the Acting Chief Secretary to the Government:—

No, Sir, in the absence of any information as to when Colonel Hammond's report will be received in the Colony, I can give no such undertaking. The Government, however, confidently expects that the report will be received in ample time to allow of its being fully considered by honourable Members before next year's Estimates are laid before the Council.

The Hon. the Commercial Member for Calabar:—I presume, Sir, it is understood that it is the wish of the Unofficial Members that this Report should be laid on the Table.

His Excellency:—It is thoroughly understood.

The Hon. the Commercial Member for Calabar:—

To ask the Honourable the Acting Chief Secretary to the Government whether he is aware that a Registrar of the Supreme Court at Calabar was appointed by the Supreme Court Official Administrator of an estate without his finding security for his fidelity; whether in one estate considerable deficiencies have been disclosed, as a result of which criminal proceedings were instituted against such Registrar (now retired on pension and out of Nigeria); and whether the Government will forthwith make good the deficiency in question to the unfortunate beneficiaries?

The Hon. the Acting Chief Secretary to the Government:—

In view of the fact that the Registrar was secured in the Public Officers' Guarantee Fund, there was no necessity for him to enter into an Administration Bond. Steps for the extradition of the officer concerned have already been taken, and on proof of his defalcations the Government will make good the deficiency. Only one such case has so far been brought to the notice of the Executive, that of money deposited in Court on a Writ of Execution, and the order for payment was made immediately on its being proved.

The Hon. the Commercial Member for Calabar:—

To ask the Honourable the Acting Chief Secretary to the Government whether a successor has been appointed to the office of Puisne Judge vacated by the retirement of His Honour Mr. Justice Green, and, if so, when such successor will take up his duties in Nigeria.

The Hon. the Acting Chief Secretary to the Government:—

No intimation has been received of the definite appointment of an officer to succeed Mr. Justice Green. The necessity for the appointment of a Judge as soon as possible has on several occasions been urged on the Secretary of State, but some difficulty has been found in giving effect to the wishes of this Government in this respect.

The Hon. the Commercial Member for Calabar:—Arising out of this answer, may I ask whether it is not the case that an appointment was actually made by the Secretary of State? It appeared in the public press, I believe.

His Excellency:—Yes, and the gentleman afterwards accepted another appointment in the Colony in which he was serving.

The Hon. the Commercial Member for Calabar:—May I ask if there is any particular reason for the practice which has sprung up of not giving the higher appointments in the Nigerian Service to officials who are already in that Service?

His Excellency:—That is a question of policy in which the Secretary of State is very largely concerned. I do not think I can answer it adequately in reply to a question in this Council.

The Hon. the Commercial Member for Calabar:—

To ask His Honour the Lieutenant-Governor of the Southern Provinces whether the Government contemplates any re-arrangement of Provinces east of the Niger, and, if so, whether opportunity will be given for discussion in this Council before such arrangement is decided upon.

His Honour the Lieutenant-Governor, Southern Provinces:—

Minor adjustments of boundaries between Provinces for tribal or administrative convenience are frequently necessary. I presume it is not to such small adjustments the question refers. No re-arrangement of the Provinces on any large scale is at present contemplated but should it arise I am sure that this Council would be given an opportunity of discussing the question before it was brought into operation.

His Excellency:—I understand the Honourable the Commercial Member for Lagos will put the questions on the Order of the Day standing in the name of the Honourable the Commercial Member for Kano, who is unfortunately indisposed.

The Hon. the Commercial Member for Kano:—

(By the Hon. the Commercial Member for Lagos.)

The answer to a question put forward in this honourable Council on February 18th on the subject of purchasing Government supplies of all kinds by public tender, instead of through the Crown Agents as at present, having been answered unfavourably to local firms, on the ground that the Government has no reason for supposing that such supplies can be procured more economically in the former way, does the Government not consider that, if supplied *equally* economically, purchases should be made through local firms, which firms supply the greater part of the revenue of the Colony and Protectorate?

(a) Does the answer to the question on the same subject, put by the Honourable the Third Lagos Member, on February 11th, with reference to the local supply of drugs, etc., mean that the Government is of opinion that reliable drugs and medical supplies generally cannot be supplied otherwise than through the Crown Agents, and that the rest of the world is content with inferior drugs and medical supplies?

(b) Will the Government state, more clearly than it has done hitherto, its objections to the purchase of imported goods from local firms?

The Hon. the Acting Chief Secretary to the Government:—

The Honourable Member's questions are based on argument and in accordance with ordinary Parliamentary practice are not in order. That practice is stated in clause 11 of the Standing Rules and Orders of the Council. The honourable Member would be perfectly in order if he put down a motion on the subject.

The Hon. the Commercial Member for Kano :—
(By the Hon. the Commercial Member for Lagos.)

With reference to the previously discussed matter of Kano Township Electric Lighting Scheme, will the Government get the officers concerned to reconsider the estimates of general cost, as the figure mentioned, viz., £2,100 per annum, seems a very high charge for street lighting within such a very small Township as Kano, and also to reconsider whether a smaller installation would not be adequate against Kano's requirements for the next number of years?

The Hon. the Acting Chief Secretary to the Government :—

No definite scheme for lighting the Kano Township by electricity has as yet been prepared and such a scheme cannot be prepared until it is known definitely whether or not it can be linked to the Water Supply Scheme. When a definite scheme has been prepared the Advisory Board will be consulted in regard to the street lighting that they may require and that they may have the funds to pay for.

The Hon. the Commercial Member for Kano :—
(By the Hon. the Commercial Member for Lagos.)

Can the Government supply any further information as to the probability of the commencement of work in connection with the Kano Water Supply Scheme.

The Hon. the Acting Chief Secretary to the Government :—

I refer the honourable Member to Sessional Paper No. 11 of 1924 which I have laid on the table this morning, and to the resolution standing in the name of His Honour the Lieutenant-Governor, Northern Provinces on the Order of the Day. The Director of Public Works will make a statement as to the position in the course of the debate on the motion.

The Hon. the Commercial Member for Kano :—
(By the Hon. the Commercial Member for Lagos.)

With reference to a question, put during the meeting of this honourable Council on February 18th, regarding a ruling to be supplied on the subject of non-natives of the Protectorate residing and trading within the Northern Nigerian native towns, can the Government now give a definite reply?

The Hon. the Acting Chief Secretary to the Government :—

The question of amending Section 9 of the Native Courts Ordinance is not free from difficulty, and is still engaging the consideration of the Law Officers of the Government. I regret therefore that it is not at present possible to give the honourable Member a definite reply.

The Hon. the Commercial Member for Kano :—
(By the Hon. the Commercial Member for Lagos.)

A question having been put forward by the Honourable the Commercial Member for Lagos, at the meeting of this Honourable Council, on February 18th, with reference to Residential Plots at Ibadan and possibly elsewhere in Nigeria, can the Government now state its definite decision in the matter?

The Hon. the Acting Chief Secretary to the Government :—

No, Sir. The question of the Honourable the Commercial Member for Lagos was found to be in such indefinite terms that it was necessary to ask the interests concerned at Ibadan to favour the Government with any representations on the subject that they had to make. Those representations have not yet reached me.

The Hon. the Commercial Member for Lagos said that he understood some of the firms concerned had replied to the enquiries addressed to them.

His Excellency :—What I should like to know is whether they have any principle in view. The matter appears to concern four parties, two or three of whom have answered the letter which was addressed to them by the Commissioner of Lands. I have not seen their replies myself. The fourth party has not yet replied, but the honourable Member can be assured that the Government will treat the matter in as sympathetic a spirit as possible. I trust I am not presuming too much when I say that it is quite possible that no injury has been done. What I am trying to find out is what the claims of these four firms are and on what they are based.

The Hon. the Commercial Member for Lagos :—I shall call on Your Excellency in order to explain the position.

The Hon. the Commercial Member for Kano :—
(By the Hon. the Commercial Member for Lagos.)

If the Government will inform this honourable Council, what steps have been taken by it in order to obtain the abolition of, or at least a reduction in, the very high Import Duty levied on Cocoa by the United Kingdom?

The Hon. the Acting Chief Secretary to the Government :—

The Executive in Nigeria cannot, of course, take any steps to alter the fiscal system of the United Kingdom. No representations on the subject have been received from the Legislative Council. Such representations would have to be made by motion and not by question.

The Hon. the Commercial Member for Kano :—
(By the Hon. the Commercial Member for Lagos.)

If, considering that Northern Nigeria is a Protectorate wherein the sale of alcoholic liquors is forbidden, by law, to

natives, the Government can see its way to have removed from the railway stations in Northern Nigeria, at an early date, all public notices or posters advertising such liquors.

The Hon. the Acting Chief Secretary to the Government :—

The Government is advised that under the existing agreement entered into with the Advertising Company by the General Manager of the Railway, it is not competent for the Government to restrain the Company from advertising alcoholic liquors in the railway stations in the Northern Provinces.

The present agreement was entered into in March 1922 and runs for a period of five years.

An assurance has already been given to the Lieutenant-Governor, Northern Provinces, who has made similar representations to the Government, that the objections raised by him will receive the fullest consideration before any fresh agreement is entered into.

MOTIONS.

THE LATE MR. GEORGE MACKAY.

The Hon. the Acting Chief Secretary to the Government :—

Your Excellency : I rise to move the first motion standing in my name. Honourable Members will observe that it refers to the grant of a pension under the Treasury Injury Warrant of £110 *per annum* to the widow of the late Mr. George MacKay, Clerk of Works, Eastern Railway Construction. If honourable Members will bear with me for a moment I propose to state briefly, before I proceed further, what actually the Treasury Injury Warrant is. The Treasury Injury Warrant is a Warrant framed by the Treasury at home under clause 1 of the Superannuation Act 1887 and provides for the grant of special pensions and gratuities to the widows and children of officers who in the discharge of their duty have been killed or who have met their death through some accident arising directly out of the discharge of their duties, for which they were not responsible. That Warrant has statutory authority in England, but has, of course, no such authority behind it in Nigeria; for purposes of convenience, however, the Secretary of State has in the past recommended that when an officer has met his death in such circumstances that the grant of a special pension to his widow or dependents appears to be warranted, the rates of pension or gratuity laid down in scale II of the Treasury Injury Warrant should be adopted as a model. This scale has been adopted by this Government on former occasions, and particularly on the occasion when special provision was being made for the dependents of the victims of the "Falaba" disaster during the war. It provides that the widow should be awarded a pension amounting to ten-sixtieths of the officer's total pensionable emoluments at the time of his decease, and it is on this basis that the proposed pension which appears in the resolution which I am about to move has been calculated. I have a copy of the Warrant on the table before me, should any honourable Member desire to peruse it at leisure.

I will now state briefly the services of the late Mr. MacKay and the manner in which he met his death. The late Mr. George MacKay was a Clerk of Works of the Eastern Railway Construction and was stationed at Port Harcourt. In the performance of his duties it was necessary for him to test certain blasting powder. Whilst so doing, an explosion occurred, as a result of which he was badly burnt on legs and arms. He was immediately taken to Hospital, where he lingered for 13 days and finally died from syncope. The Medical Authorities have given the necessary certificate that the cause of death was directly due to the accident which he met in the course of his duties. The Railway Authorities have also stated that he in no way contributed to the accident by neglect or incompetence. The case of this officer therefore, conforms with all the requirements of the Regulations under the Treasury Injury Warrant which we have adopted as our model.

The General Manager of the Railway in referring to this officer speaks of him in the highest terms. He has over 15 years' service. He first came out to Nigeria in 1908, when he joined the Railway in Northern Nigeria and was employed on the construction of the Baro Kano Railway. Here he showed considerable ability in the management of the Hausa labour under his charge. He was then put on construction work on the Bauchi Light Railway where he performed his duties with conspicuous success. In 1913, when Railway Construction work at Port Harcourt was initiated, he was specially selected with five others to undertake preliminary operations there at a time when, I am informed, conditions of construction were peculiarly difficult and trying. The General Manager reports that throughout he was the heart and soul of the party. There can be no question, therefore, that the nature of his service call for special consideration. The amount of the gratuity which his widow gets under the "Widows and Orphans" Pension Fund—a matter on which the Government has no cause to congratulate itself since the officer himself contributed to the Fund—is £94 19s. 0d. The additional pension now proposed is £110 *per annum* which will give the widow a total pension of £204 19s. 0d.

I am confident that this Council will be only too willing to give practical proof of its sympathy with the widow and of its appreciation of the good work done by the late Mr. George MacKay, by voting the pension set down in the first resolution standing in my name.

I formally move, Sir :

"Be it resolved: That in accordance with scale II of the
"Treasury Injury Warrant, a pension of £110 *per*
"*annum* be awarded to the widow of Mr. George
"MacKay, Clerk of Works, Eastern Railway Construc-
"tion, whose death was directly due to an accident
"sustained in the actual discharge of his duty."

The Honourable the General Manager of the Railway seconded.

In reply to a question put by the Honourable the Commercial Member for Calabar. The honourable Member was informed that the pension would be payable from the date of the death of

the late Mr. MacKay and not from the date the resolution was passed by the Council, and also that the pension would cease on re-marriage.

The motion was put and agreed to.

His Excellency:—I have just received a note from the Honourable the Director of the Medical and Sanitary Service, who Honourable Members may have noticed, left the Council a few minutes ago in order that he might better deal with the matter which is engaging his attention, stating that the information which he gave the Council this morning about the occurrence of cases of plague in Lagos is not quite correct. There have been two more suspicious cases, but so far only one case has been definitely declared to be plague.

THE LATE MR. WILLIAM C. CHISWELL.

The Hon. the Acting Chief Secretary to the Government:—

Your Excellency: The second resolution standing in my name deals with the grant of a special gratuity of £500 to the estate of the late Mr. William Charles Chiswell, deceased, late Foreman of Works, Nigerian Railway, and again, I must crave the indulgence of honourable Members in explaining the circumstances in which it is necessary to put a motion of this nature upon the Order of the Day.

Honourable Members will be aware that in the third regulation of the first schedule to the European Officers' Pensions Ordinance a provision is made that where an officer dies in the service his estate is entitled to a gratuity equivalent to one year's pensionable emoluments, provided such officer is not serving on agreement or on probation—in other words provided he is a fully confirmed officer. Cases have arisen in the past where officers with very deserving service have died, and for some reason or other—sometimes of a purely technical nature—approval of their confirmation has not actually been given before their decease and as a result the estate is not legally entitled to the benefits of the provision of the Pensions Ordinance which I have just mentioned. In a few of such cases in the past the legal difficulty has been got over by the device of posthumous confirmation, but the Secretary of State has now definitely ruled that such a procedure is irregular and undesirable both on legal and other grounds and that, in all cases of this nature in future the question of a special grant should be brought before the Legislative Council. The Secretary of State has further recommended that, in the ordinary course, the grant made should be somewhat less than the sum to which the estate would have been entitled had the officer qualified under the provisions of the Pensions Ordinance. That, briefly stated, is the reason why the Council is being asked to-day to authorise the payment of this sum to the estate of the late Mr. Chiswell. Mr. Chiswell was a Foreman of Works, 2nd grade and had over 13 years service. He was originally appointed in 1910 on a temporary agreement for Railway Construction, and whilst employed on a temporary agreement of this character the question of his appointment to

and confirmation in the permanent pensionable establishment did not arise. In 1922, however, he was transferred to Open Lines where his service was most satisfactory, and the General Manager of the Railway therefore recommended early in March last that he should be appointed to the permanent staff with a view to ultimate confirmation with retrospective effect from December, 1922. Unfortunately he died the same month at Zaria of pneumonia before the General Manager's recommendation had been received by the Secretary of State. In these circumstances the Governor-in-Council, after having carefully considered the case, was of opinion that a gratuity of £500, that is to say £60 less than the amount which would have been payable had he been duly confirmed, should be paid to the estate.

I formally move, Sir—

“That this Council authorises the payment of a special gratuity of £500 to the estate of William Charles Chiswell, deceased, late Foreman of Works, Nigerian Railway, having regard to the fact that he had been in the Government Service since December, 1910, and died before the proposal for his appointment to a post on the permanent and pensionable establishment and his confirmation could be completed.”

The Hon. the General Manager of the Railway seconded.

The Hon. the First Lagos Member said that the proposal contained in the resolution involved a new principle and that he was of opinion that honourable Members should be allowed more time to consider it. He had seen the Order of the Day for the first time when he came to the meeting of the Council, which hardly admitted of sufficient time for honourable Members who had no previous acquaintance of such matters to form an opinion. He, therefore, suggested that the consideration of the resolution be postponed for another meeting. *Prima facie* he had no objection to the grant proposed.

At the suggestion of His Excellency it was moved by the Hon. the First Lagos Member and seconded by the Hon. the Member for Calabar, and agreed to, that the further consideration of this resolution and the consideration of the three following resolutions quoted on the Order of the Day, be referred to the Finance Committee:—

- (iii) “Be it resolved: That this Council authorises the payment of a special gratuity of £520 to the estate of Frederick George Townsend, deceased, late Foreman of Works, Nigerian Railway, having regard to the fact that he had been in the Government Service since January, 1919, and died, before sanction was received from the Secretary of State for his confirmation on the permanent and pensionable establishment.”
- (iv) “Be it resolved: That in accordance with scale II of the Treasury Injury Warrant a pension of £85 *per annum* be awarded to the widow of Major G. L. D. Newcastle, D.S.O., M.C., Assistant Commissioner of Police whose death was due to a gunshot wound while on a Police patrol in the Southern Provinces.”

(v) "Be it resolved: That this Council authorises the payment of a special gratuity of £500 to the dependents of the late Major G. L. Rewcastle, D.S.O., M.C."

His Excellency added that the Finance Committee could sit in the afternoon or on the following day, when there could be very free discussion.

SUPPLEMENTARY ESTIMATES.

The Hon. the Acting Chief Secretary to the Government moved the following motion standing in his name:—

"Be it resolved: That this Council approves the Expenditure of £45,799 as detailed in the Supplementary Estimates for 1923-24 and passed by the Finance Committee on the 31st March, 1924."

The Hon. the Treasurer seconded.

Motion put and carried. Supplementary Estimates approved accordingly.

The Hon. the Acting Chief Secretary to the Government moved the following motion standing in his name:—

"Be it resolved: That the Supplementary Estimates 1923-24 and 1924-25 which I have laid upon the Table to-day be referred to the Finance Committee for consideration."

The Hon. the Treasurer seconded.

Motion agreed to.

KANO WATER SCHEME.

His Honour the Lieutenant-Governor, Northern Provinces:—

Your Excellency: I rise to move the resolution standing in my name:

I should like to say Sir, that I move this resolution with the very greatest pleasure, because it marks almost the final stage of a scheme which had its inception twelve years ago when I was myself Resident of the Kano Province, and in which I have always been very keenly interested.

The general considerations which have induced Government to bring this proposition before the Council are set forth in Sessional Paper No. 11 which has been laid on the Table this morning. I understand that the Honourable the Director of Public Works will furnish the Council with information up to date on the technical aspects of the scheme. At the time when the water supply scheme was first mooted it would have been necessary to ask the Government to guarantee from the funds of the Colony and Protectorate a considerably larger sum than is now necessary, but the financial position of the Native Administration of Kano has improved to such an extent that, as honourable Members will see, it is now in a position to bear

£180,000 out of the total estimated capital cost of £200,000, and the Government desire to be associated in the work which, as His Excellency wrote in the despatch included in the Sessional Paper to which I have referred, will be of incalculable benefit, and is asking the Council to implement the request made in the despatch, to which the Secretary of State has given his cordial approval, and find £20,000 as the Nigerian Government's contribution towards the capital cost.

In view of the explanation which I understand the Honourable the Director of Public Works is going to give to the Council, I do not think there is any need for me to describe the scheme. I will only say that I feel quite certain that any honourable Member who has been to Kano, especially if his visit happened to be in the driest part of the dry season, will agree as to the necessity for some scheme for an adequate water supply there and will be ready to endorse the view that such a scheme will prove to be of incalculable benefit—and the benefit will be shared by all interests—not only by the native community of Kano City, but by all other interests there, including the commercial interests.

I formally move, Sir:

"Be it resolved, that this Council approves the grant of a sum of £20,000 from the surplus Funds of the Colony and Protectorate to the Kano Native Administration towards the cost of the pipe-borne water supply scheme which the latter are undertaking for the Town of Kano."

The Hon. the Director of Public Works:—

The original scheme for the water supply of Kano provided for a dam across the Challowa River at a point about 11 miles from the city: for pumping the impounded water into filtration works near the site of the dam and pumping thence to a service reservoir built on one of the two hills within the city walls.

For various reasons, but chiefly with the idea of finding a scheme which would not necessitate pumping, it was considered desirable before proceeding with the Challowa project to explore the possibilities of other sources of supply. As a preliminary measure borings were put down in and near the bed of the Waterie River—a tributary of the Challowa—in order to ascertain whether an underground supply was available. Such a supply would of course involve pumping but it was thought that the distance and height would be less than in the original scheme and that the expensive purification works necessary to deal with the somewhat turbid waters of the Challowa might be avoided. This proposal is for the moment in abeyance as the Engineer entrusted with the work decided to investigate the possibility of obtaining sources suitable for a gravitation supply.

Several sources, apparently ideal, were discovered but in most cases it was unfortunately found after levelling that they were not high enough for the purpose. Two other sources have however now been located. One is on the Rafin Karia near the village of Jelli some 52 miles south of Kano and about 30 miles from Dan Gora Station. I have inspected this source and have

had the advantage of the opinion of Colonel Collins who is now engaged on Irrigation work for the Sokoto Native Administration. A suitable site for the dam has been located and at a very conservative figure the supply is estimated at over sixteen-times that required. It is however questionable whether, owing to the distance from Kano and the consequent cost of the pipe line, this source will prove economically practicable.

The second source is on the Kogin Komanda at Dansosia a few miles from Dan Gora Station and about 46 miles from Kano. Investigation of this source is now proceeding and I have recently sent a second Engineer to assist in the work. Until accurate levels and a careful survey of the pipe line have been taken and quotations for the cost of pipes verified, I am unable to commit myself, but I have every hope that from this source we may be able to obtain a supply that will involve little if any greater capital expenditure than the Challowa scheme and that would, when interest on capital, depreciation and pumping charges are taken into consideration, show an annual saving of at least £2,000.

I may add that certain of the works required such as the service reservoir and distribution mains in Kano will be common to all schemes, and that, with the approval of Government it is intended to commence these works at a very early date.

The Hon. the Secretary for Native Affairs seconded and the motion was agreed to.

BRITISH EMPIRE EXHIBITION.

His Honour the Lieutenant-Governor, Southern Provinces :—

Your Excellency: As honourable Members are aware, this is the first opportunity that the Council has had of meeting since the Exhibition was opened, and it is only fitting that the Council should take advantage of the occasion to express its appreciation of the efforts of those who have contributed to the success of the Nigerian Section of the British Empire Exhibition.

I rise to move the resolutions standing in my name on the Order of the Day. Very few words of mine will be required to commend these resolutions to this Council but I am glad of the opportunity of moving it as during my leave I was, as a Member of the London Committee of the Nigerian Section, in a position to see at first hand the numerous difficulties that beset the Committee of the West African Group and the Special Commissioner for Nigeria and the very close attention to detail that was involved.

In an Exhibition of the nature of the British Empire Exhibition a great deal in the first instance depended on the originality and external appearance of the buildings or area in which the exhibits of a Colony or group of Colonies was to be shown. Success in this direction was undoubtedly achieved by the erection of the Walled City.

It would have been impossible to devise any scheme which would have been typical of all three of the West African Colonies

represented and the wisdom of adhering to a plan which was at all events strikingly typical of one has been fully justified and it seems to me particularly fitting that in Nigeria we should congratulate Mr. Goldsmith on that success. Not only did the idea originate from him but his knowledge of the real thing greatly assisted in the reproduction which so closely resembles the original article. Mr. Goldsmith's good services did not end there, as Chairman of the Group Committee he not only had any amount of hard work but had to exercise the greatest tact in handling his mixed team drawn from the various Colonies. Considering all the difficulties the smoothness with which the Group Committee worked is the best tribute to his success in that direction.

I had personal experience of the amount of work and energy Mr. Dale put into the work both on the Group Committee and also in the Nigerian Section and his knowledge of and advice on the various financial considerations which continually arose were again and again of inestimable value.

I now come to the second resolution, this I can commend to Council in the strongest possible way. The selection of Major Lawrence as Special Commissioner was indeed a happy one and what struck me most in the short period I was concerned with the work was the extremely cordial relations that he had established between himself and the various contractors and workmen employed in the Nigerian Section; it did not matter if it was the painter of the scenery, the foreman in charge of the electric lighting or the setters up of the Cinema films, they all wanted to know if "the Major," as he was familiarly called, was satisfied. That the Nigerian Section was so nearly completed on the opening day was due in a great measure to this spirit of co-operation which he had created. The interior decorations and arrangements which were entirely of his inception owe their success to that artistic sense which he possesses in no inconsiderable degree. In addition to his outdoor activities—and Wembley I can assure you was not a pleasant place in February and March—I can testify to the close attention that Major Lawrence paid to the working of his office and the various financial problems with which he was faced and I can assure this Council that the sum voted for the Exhibition has been most carefully and usefully expended. Major Lawrence would, I am sure, be the first to acknowledge his indebtedness to those who were associated with him in this work whether officers connected with this Administration, the merchants who assisted in the arrangements of the exhibition of produce, or those who loaned trophies or curios and desire that they should be included, as has been done, in the terms of this resolution.

I now beg to move formally.

- (i) "Be it resolved; That this Council, on behalf of the
 "people of Nigeria, desires to express to Mr. H. S.
 "Goldsmith, C.M.G., the Chairman of the West
 "African Group Committee for the British Empire
 "Exhibition, Mr. C. E. Dale, C.M.G., C.B.E., the re-
 "presentative of Nigeria on that Committee, and all

"the members of the Committee, the cordial thanks of the Colony and Protectorate for the eminent service rendered to Nigeria by them over a long period of months in connexion with the representation of this Dependency at the Exhibition. The Council appreciates their work in full and the great success which has attended it."

"The Council further desires to congratulate Mr. Goldsmith on the idea of the 'Walled City,' conceived by him, which has proved such a striking feature of the West African Section of the Exhibition."

- (ii) "Be it resolved; That this Council tenders to Major C. T. Lawrence, Special Commissioner to the British Empire Exhibition, and to all those associated with him, the grateful thanks of the Colony and Protectorate of Nigeria for the very valuable services rendered by them in making the Nigerian Court at the Exhibition such a brilliant success in conception and execution, and places on record its high appreciation of those services."

The Hon. the Member for the Colony Division:—Your Excellency: I have much pleasure in seconding the resolution which has been so ably moved by His Honour the Lieutenant-Governor of the Southern Provinces. Those who were in any way associated with the Major, as he is familiarly known, at the time of the inception of the idea that Nigeria should be represented at the British Empire Exhibition will remember with what zeal and thoroughness and thoughtfulness he set about his task, infusing into everyone with whom he came into contact enthusiasm for the proposal and conviction of the necessity of making our exhibits and our participation at Wembley worthy of Nigeria.

It is a matter for regret that at the early stages of the Exhibition certain people in England did not quite realise the fact that Nigeria was not the Gold Coast, and that the Gold Coast tried to absorb Nigeria. However, we have emerged from that unhappy position, and Nigeria has now come into her own, and we have the satisfaction of knowing that people in England have quite appreciated the difference between Nigeria and the Gold Coast.

I sincerely hope that the Exhibition will be the means of bringing Nigeria into closer contact with other parts of the British Empire, commercially and otherwise, and that by so doing immense benefits will accrue to the inhabitants of Nigeria.

Moreover, I have no doubt that the money which has been spent will prove ultimately to be money well spent. If for nothing else, it is time Nigeria is well known abroad, more so in England.

There are two names included in the resolution, apart from that of Major Lawrence, which are quite familiar to us. In one of them we recognise a former very efficient and hard working officer of the old Colony and Protectorate of Southern Nigeria,

and in the other we recognise an old friend who worked so very hard for the advancement and development of what is now known as the Northern Provinces of Nigeria. It must be a source of infinite gratification to all of us that, although these able officers have left Nigeria, they are still heart and soul with us and are still prepared to give of their best in the interest of and for the progress of Nigeria. I have the greatest pleasure in seconding the resolution.

The Hon. the First Lagos Member:—Your Excellency: I rise to add my small quota of support to the resolution which has been proposed by His Honour the Lieutenant-Governor of the Southern Provinces. I can endorse everything that His Honour has said, and I also associate myself with the remarks made by the Honourable the Member for the Colony Division in seconding the resolution.

I am glad to say that one doubt which I entertained in my mind has been dispelled. In common with others I had sometimes been lead to doubt whether the Gold Coast had not taken the cake at the Exhibition, among the West African Colonies, but I am now satisfied that this is not the case and that the money which Nigeria has devoted towards its participation at the Exhibition has been well spent. I join very heartily, Sir, in endorsing the resolution which has been put before the Council.

The Hon. the Attorney-General:—I rise, Sir, to support the motion, and I do so with the more confidence because, having recently arrived from England, I have had the advantage of visiting the Exhibition—an advantage which has not been enjoyed by the majority of members present. I can say, Sir, from personal knowledge that the Walled City is the feature of the Exhibition as a whole. There can be no doubt that it is the feature which distinguishes the present Exhibition from all previous Exhibitions. The only possible complaint is that it is so popular that it is sometimes difficult to get near the exhibits in it. Another feature arising out of the Exhibition is that going round the large stores in London one now sees Nigerian leatherwork advertised for sale. This is a fine tribute to the effect the Exhibition has had in bringing the products of the country to the notice of the public.

Going to the Exhibition, Sir, as one who paid his humble mite for admission, I went entitled to criticise, but the only possible criticism was praise.

I have, Sir, much pleasure in supporting the resolution.

Motions put and carried unanimously.

CARR PENSION ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to legalise the payment of a pension to Henry Carr, I.S.O." was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at subsequent a meeting of the Council.

CRIMINAL CODE ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to amend the Criminal Code Ordinance" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

GERMAN MISSIONS ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to make provision for giving effect to Article 438 of the Treaty of Peace with Germany as to the property of Christian Religious Missions formerly maintained by Germans in the British Cameroons" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

LAND REGISTRATION ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to consolidate and amend the Law relating to the Registration of Instruments affecting Land in Nigeria" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

LAGOS TOWNSHIP ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to amend the Lagos Township Ordinance" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

WATERWORKS ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to amend the Waterworks Ordinance" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

BRITISH CAMEROONS EX-ENEMY IMMOVEABLE
PROPERTY DISPOSAL ORDINANCE.

The Hon. the Attorney-General:—It is necessary to move a resolution suspending part of rule 19 of the Standing Orders in order that the Bill which has been put into the hands of honourable Members this morning without previous publication may be read a first time. The Bill is entitled "An Ordinance to

legalise the acquisition by Ex-Enemy Nationals or Corporations under Ex-Enemy Control of Right, Title or Interest in Ex-Enemy immovable property in the British Cameroons" and it takes the place of the Bill which appears in the Order of the Day as No. 7 in the list of Bills. The latter Bill has already been published, but subsequently instructions were received from the Secretary of State that the effect was to be achieved in the manner indicated in the Bill now in the hands of honourable Members. It is consequently necessary to move the suspension of that part of Standing Order 19 which requires publication of a Bill in the *Gazette* before introduction into the Council. This Bill is of an urgent nature and honourable Members have had notice of the intention of the Government to enact such a measure by the publication of the Bill which it replaces. I, therefore, move with every confidence of its acceptance that Standing Order 19 be suspended in so far as it requires the publication of a Bill in the *Gazette* before its introduction into the Council.

The Hon. the Secretary for Native Affairs seconded the motion.

Motion put and carried and portion of Standing Order suspended accordingly.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to legalise the Acquisition by Ex-Enemy Nationals or Corporations under Ex-Enemy control of Right, Title or Interest in Ex-Enemy Immoveable Property in the British Cameroons" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

MINERALS ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, a Bill entitled "An Ordinance to amend the Minerals Ordinance" was read a first time and the Hon. the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Immigration Restriction Ordinance" and in doing so, I propose to explain its provisions briefly to honourable Members of the Council. The "objects and reasons" are set out at the end of the Bill as published, but I propose to explain them a little more fully than they are there indicated.

The first object of the Bill is to bring the policy in Nigeria as regards passports into line with the policy in the United Kingdom

and throughout the Empire. The present divergence is not very great and the alterations required are only slight. The principal one is that the validity of passports should continue for a period of five years instead of two years as at present. There are also certain provisions with regard to *visas* which are put on the same footing as elsewhere in the Empire: also there is exemption in favour of children under sixteen years of age. That exemption already exists in our present law. It is now put in a different way. Another provision which is included is that wives are now to be required to have passports. This also is in accordance with the practice elsewhere in the Empire. In addition, the other provisions of the Ordinance as regards immigration are made to apply to wives. Those provisions, including the passport requirements are also made to apply to Government officials. This latter provision, it is considered by the Principal Immigration Officer, will be really a convenience to all parties concerned, because Government Officials now require passports anyway on arrival in England: and on arrival in Nigeria, though they are not now required to produce passports, they have to establish in some way the fact that they are Government Officials and the simplest way is by production of their passports. It is considered that the proposed procedure by which they have to produce their passports, and know that they have to produce them, will be more convenient to the Immigration Officers and also to the Government officials themselves.

It is also proposed by the Bill to make the greater part of the principal Ordinance apply to natives, as well as non-natives, and in using the term "natives" I am doing so in the technical sense in which it is used in the Interpretation Ordinance. At present the provisions of the Ordinance do not apply to the immigration of natives, excepting the provisions of section 17. I think honourable Members will agree that a great many of the provisions of the Ordinance should apply to natives, especially having regard to the very wide definition given to that term in the Interpretation Ordinance. It includes a native of Nigeria and a native foreigner. At the same time it is not desirable that all the provisions should apply to natives, especially the provisions as to passports which would entail the holding up of ships while the passports of native passengers were being examined and consequent loss of time on the part of both the ships themselves and the Immigration Officers: therefore in the new clause which provides for passports, natives are expressly excluded by the use of the term "non-native" when necessary.

The next provision to which I should refer is that requiring an increased deposit from immigrants as prescribed by sections 11 and 19 of the principal Ordinance. The reference is clauses 4 and 8 of the amending Bill now before the Council. That is due partly to the general increase of the value of money and generally to the increase of the possible expense that might have to be incurred in getting an undesirable pauper out of the country. It has been found in practice that the present deposit is insufficient, and I think honourable Members will agree that it is the duty of this Council to protect the taxpayer against having to pay for the

deportation of undesirable immigrants who may have come into the country.

Moreover, it is proposed to amend section 12 of the principal Ordinance so as to extend from twelve to eighteen months the period during which an immigrant can be declared undesirable and to amend section 14 so as to extend similarly the period during which the liability of an employer to repatriate an employee who may become destitute should continue. This also is to protect the taxpayer from the possibility of having to pay when the money should properly be found by other persons, and at the same time a concession is proposed to be made to employers enabling them to limit their liability by making a deposit. This is a provision which has obtained for some time in other West African Colonies and it is considered desirable that it should exist here also, so that employers of a large number of immigrants should be able to limit their liability by making a fixed deposit and thus avoid the hardship of being called upon to bear the cost of the deportation of several people at short notice.

There is another clause which deals with the deportation of persons convicted under the Ordinance. That is to enable Government to deal with persons who, after conviction, appear to be such as should be removed from the country.

Section 23 of the principal Ordinance has been recast and the wording made clearer in certain cases, and certain provisions have been added making it an offence to harbour offenders against the Ordinance, or to make false returns, or to be in possession of forged passports or similar papers.

Lastly, there is a clause declaring on whom shall be the burden of proof in certain proceedings under the Ordinance. It is, of course, necessary to ascertain in some way whether, for instance, a man has a passport or not, and it is felt that the simplest course is to put the burden of proof on him in this and similar cases.

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

The Hon. the Secretary for Native Affairs seconded.

Motion agreed to. The Bill was read a second time.

On the motion of the Hon. the Attorney-General the Council resolved itself into a Committee of the whole Council to consider the Bill.

Clauses 1 and 2 were read and passed without amendment.

Clause 3.—The Hon. the Commercial Member for Calabar enquired whether the amendment proposed to be substituted for section 5 (g) of the principal Ordinance was necessary, in view of the amendment proposed to be substituted for section 14 (2) of the principal Ordinance under clause 7 of the Bill.

The Hon. the Attorney-General:—The two amendments refer to different cases; the former deals with contract labour, while the latter refers to other employees such as are now engaged for service with commercial firms, etc.

The Hon. the Banking Member:—I wish to call attention to sub-section (2) of section 6 of the principal Ordinance and to the great inconvenience sometimes caused to European passengers arriving in Lagos from Nigerian ports owing to their having to wait several hours for the Immigration Officer before they can disembark. I know two recent cases in which passengers arriving by the "Lokoja" and "Chama" respectively suffered such inconvenience. It is as absurd to subject to the restrictions of an immigrant a person who arrives in Lagos from Forcados as it would be to apply similar restrictions to a traveller from London to Margate. I suggest that the Government might give the matter more serious consideration in view of that fact that immigration restrictions are now to be applied to Government Officials including, no doubt, those arriving in Lagos by Government vessels from other Nigerian ports.

The Hon. the Commercial Member for Calabar:—I suggest that the point raised by the honourable Member is one which affects the administration of the Ordinance rather than one involving an amendment of the law.

The Hon. the Attorney-General:—A ship arriving in Lagos from a Nigerian port might be carrying passengers from a non-Nigerian port who have not previously been subjected to any immigration restrictions at a Nigerian port. That is a practical difficulty and, in any case, I am not prepared, without consulting the Principal Immigration Officer, to advise the acceptance of the suggestion made by the Honourable the Banking Member that the law should be amended so as to abolish the application of immigration restrictions to vessels arriving in Lagos from Nigerian ports.

Clause 3 was read and passed subject to its subsequent recommittal, if necessary.

Clause 4 was read and passed.

Clause 5—The Hon. the Commercial Member for Lagos enquired if it was necessary to increase the length of the period during which the liability of a prohibited immigrant to deportation should continue.

The Hon. the Attorney-General:—In some cases persons who come within the description of prohibited immigrants have been thrown upon the taxpayer after a period of twelve months. I believe the period of twelve months indicated in the principal Ordinance was fixed at a time when the majority of Europeans who came to the country remained out for twelve months only. That period has now been extended to eighteen months in the majority of cases, and it is only a natural corollary to alter the period in the Ordinance. The change is considered necessary for the purpose of protecting the revenue from having to meet such expenses.

The Hon. Members for Banking and Shipping were of opinion that the provision in the principal Ordinance should be left as it was.

The Hon. the Commercial Member for Lagos moved, and the Hon. Member for the Colony Division seconded, that clause 5 of the Bill be deleted.

The motion was lost by 11 votes to 14—the members voting as follows:—

FOR—11.

The Hon. the First Lagos Member.
The Hon. the Commercial Member for Lagos.
The Hon. the Member for the Egba Division.
The Hon. the Commercial Member for Calabar.
The Hon. the Second Lagos Member.
The Hon. the Member for the Rivers Division.
The Hon. the Member for Shipping.
The Hon. the Mining Member.
The Hon. the Banking Member.
The Hon. the Member for Calabar.
The Hon. the Member for the Colony Division.

AGAINST—14.

The Hon. the Postmaster-General.
The Hon. the General Manager of the Railway.
The Hon. the Acting Deputy Chief Secretary.
The Hon. the Secretary, Southern Provinces.
The Hon. the Senior Resident Oyo Province.
The Hon. the Secretary for Native Affairs.
The Hon. the Comptroller of Customs.
The Hon. the Acting Director of Marine.
The Hon. the Treasurer.
The Hon. the Commandant.
The Hon. the Attorney-General.
His Hon. the Lieut.-Governor, Northern Provinces.
His Hon. the Lieut.-Governor, Southern Provinces.
The Hon. the Acting Chief Secretary to the Government.

Clause 6—On the motion of the Hon. the Commercial Member for Calabar, the words "Court convicting such person" were substituted for the words "Governor-in-Council, in the exercise of his sole and exclusive discretion," in the fifth and sixth lines of sub-section (1) of the proposed new section 12A. The Clause was read and passed as amended.

The Hon. the Member for the Colony Division:—

Your Excellency, gentlemen, I am, in a way, responsible for the amendment which it is proposed to make to the existing "Immigration Restriction Ordinance." the object I had in view was to limit the liabilities of employers in having to bear the costs of the deportation of non-natives who have become necessary to be dealt with as prohibited immigrants. The existing Ordinance makes it obligatory on employers to bear the full costs of repatriation of non-natives brought by them into Nigeria and, who after their arrival in Nigeria should within twelve full months become destitute and come within the category of prohibited immigrants. I was engaged in defending Messrs. The Niger Company, Ltd, about two and a half years ago in three such cases when the Colonial Government sued them for the recovery of moneys disbursed in repatriating three of their employees under the following circumstances. All three men were brought to Nigeria under an agreement to serve the Niger Company for a definite period of time and on fixed salaries. It happened to be the time of the "boom" when there was great scarcity of clerks.

These men found they could earn more money than agreed upon by and between them and the Niger Company, and, so promptly threw over their agreement and then joined other firms in the North. Subsequently all three having become very destitute had to be repatriated as prohibited immigrants, the expenses incurred in so doing were sued for. I was unsuccessful though I pointed out as strongly as I could that, these men had of their own accord left the services of the Niger Company, to serve other firms with whom they had worked for some months. The law was against us and we had to pay up. The hardship in such cases is patent and it was in the hope of freeing employers from liabilities that the Government was approached to amend the Ordinance. I certainly was left with the impression that the Government recognised the injustice of the existing Ordinance and would be prepared to grant some relief when the Ordinance was next amended. After a delay of two and a half years the measure now under consideration is to be substituted for the existing Ordinance. We find that not only the thirty pounds provided as penalty in certain contingencies has been increased to sixty pounds but the continuance of the period of liability is to be extended from twelve to eighteen months. Thus the position of employers under the amending Ordinance, if passed, will be decidedly worse than at present. I move after the word "Nigeria" in the tenth line of the proposed amended sub-section (2) of section 14 of the principal Ordinance be added "provided that such non-native employee has been in the continuous service of such employer for a full period of twelve months."

The Hon. Mining Member:—I wish to associate myself with the remarks of the Honourable the Member for the Colony Division. I consider it most unfair that an employer's liability should continue after an employee had voluntarily left the company which brought him out and took up employment under another Company: I could quote several instances in which this had happened. I am of opinion that the company which engaged the man locally should take over the responsibility.

The Hon. the Commercial Member for Lagos expressed his concurrence with the views of the two preceding speakers.

In the course of a discussion which followed it was pointed out to the Hon. the Member for the Colony Division that the effect of the amendment proposed by him would be that if a non-native employee were brought out by a firm and that employee left the employment of his firm before the expiration of twelve months for any cause including dismissal by his employer and subsequently became destitute, the Government would not be able to recover the cost of his repatriation from the firm who brought him to Nigeria.

The Hon. the Commercial Member for Lagos then moved a further amendment to the effect that the provision in the principal Ordinance as to the period of the continuance of the liability of an employer to bear the cost of repatriation, etc., should remain unaltered, that is to say, that the proposed amended sub-section (2) in clause 7 of the Bill be deleted.

The Hon. Member for Shipping seconded.

This further amendment was put and carried by 12 votes to 10 the members voting as follows:—

FOR—12.

The Hon. Member for the Oyo Division.
The Hon. the First Lagos Member.
The Hon. the Commercial Member for Lagos.
The Hon. the Member for the Egba Division.
The Hon. the Commercial Member for Calabar.
The Hon. the Second Lagos Member.
The Hon. the Member for the Rivers Division.
The Hon. the Member for Shipping.
The Hon. the Mining Member.
The Hon. the Banking Member.
The Hon. the Member for Calabar.
The Hon. the Member for the Colony Division.

AGAINST—10.

The Hon. the Postmaster-General.
The Hon. the Director of Public Works.
The Hon. the General Manager of the Railway.
The Hon. the Acting Deputy Chief Secretary.
The Hon. the Secretary, Southern Provinces.
The Hon. the Senior Resident Oyo Province.
The Hon. the Acting Director of Marine.
The Hon. the Commandant.
The Hon. the Attorney-General.
The Hon. the Acting Chief Secretary to the Government.

The original amendment by the Hon. Member for the Colony Division was not put to the vote.

The clause was read and passed as amended, "sub-section (3)" being substituted for "sub-section 2" in line 1 of the clause. In line 2 the letter "s" at the end of the word "sub-sections" was deleted.

The Committee adjourned until 3.30 p.m.

The Committee re-assembled at 3.30 p.m.

Clause 6 of the Bill was re-committed.

The Hon. Member for the Colony Division raised the question whether the duty of the Court should not be confined to recommending the deportation of convicted persons in certain cases the actual order for deportation being left to the Governor in Council.

The Hon. the Commercial Member for Calabar suggested that a proviso might be added to the effect that the deportation order should not have effect until confirmed by the Governor.

The Hon. the Attorney-General considered that such a provision was very desirable, especially as the order might be made by a Provincial Court, as well as the Supreme Court.

The Hon. the First Lagos Member was of opinion that the power proposed to be vested in the Court was a tremendous one to confide to a Police Court, for instance.

The Hon. the Attorney-General:—I move that the following proviso be added to the new section 12 a (1), "provided that no such order shall be operative unless and until confirmed by the Governor in Council," and that after the word "may" in the second line of sub-section (2) the words "pending confirmation of such order and" be inserted.

Agreed to.

In reply to an enquiry by the Acting Governor whether any amendment would be necessary to clause 5 consequent on the amendment made under clause 7 the Honourable the Attorney-General replied in the negative, adding that the former clause dealt with a different matter, *i.e.* the power to get rid of a prohibited immigrant in certain cases within a given time and did not impose any financial liability on any firm or person.

The Hon. the Attorney-General:—Reverting to the question raised by the Honourable Banking Member at this morning's sitting with regard to the abolition of the application of immigration restriction to vessels arriving from Nigerian ports I propose to suggest an amendment to sub-section (2) of section 6 of the principal Ordinance, as a result of a discussion of the point with the Principal Immigration Officer. That Officer took the same point as myself, *viz.* that it would be difficult in practice to abolish the restriction in the case of ships which had sailed from or touched at ports outside Nigeria, because they might bring passengers who ought to pass the Immigration Officer and if some passengers were allowed to land whilst others were not there would possibly be difficulty in distinguishing between them. The Principal Immigration Officer is not prepared, without consulting his officers and going into the practical aspect of the question, to advise the abolition of the application in such cases; but he has promised to go into the matter with a view to ascertaining whether any practical solution of the difficulty can be found and, if so, he will be prepared to advise a further amendment. In the meantime, I suggest it will be possible to go so far as to exempt from the provision of the Ordinance, prohibiting the disembarkation of passengers until authorised by an Immigration Officer, those ships which have not touched at ports outside Nigeria, and I hope honourable Members will accept the proposal.

The Hon. Member for Shipping pointed out that the Immigration Officers had at their disposal the lists of passengers and the ship's manifests and papers from which the origin and destination of each passenger could be ascertained and he could not see what difficulty could arise in distinguishing passengers as suggested by the Hon. the Attorney-General.

The Hon. the Commercial Member for Calabar observed that under the principal Ordinance the responsibility under section 6 sub-section (2) was put on the Master of the ship.

The Hon. Banking Member:—I am still not satisfied with the amendment proposed which appears to refer to ships rather than to passengers. I do not see any insuperable difficulty in relying on the passenger list and I am of opinion that Masters of vessels should be permitted to allow passengers who have embarked from Nigerian ports to go ashore. The Government still has power to trace a prohibited immigrant after he has landed and to call him to account if necessary. What I particularly object to is the senseless delay that takes place in such matters, and, as usual, legislation of the description of that now under discussion is always meticulously applied. I hope that if Government cannot see its way to accept my suggestion, now

that Government servants are to be subjected to immigration restrictions, the same care will be taken in dealing with Government craft such as the colliers and the "Pathfinder," and their passengers.

The Hon. the Attorney-General moved the following new clause be inserted in the Bill as clause 4.

Amendment of
Section 6 of
Chapter 157.

4. Sub-section (2) of section 6 of the principal Ordinance is hereby amended by inserting the words "which has sailed from or called at any port outside Nigeria on" immediately after the word "Ship" where it first occurs therein.

The Hon. Banking Member said that what he was principally aiming at was that ships which had touched at Nigerian Ports only should not be subjected to restrictions. The Hon. the Attorney-General stated that that was precisely the effect of the amendment proposed.

The motion was agreed to.

The Clerk of Council was instructed to re-number the subsequent sections of the Bill.

The Bill having passed through Committee with several amendments, the Council resumed, and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

WILD ANIMALS PRESERVATION (AMENDMENT) ORDINANCE.

The Hon. the Attorney-General:—I intend, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Wild Animals Preservation Ordinance," but before doing so it is necessary for me to move another resolution, as this Bill was introduced into Council more than six months ago. Rule 39 of the Standing Orders of the Council prescribes that "if an interval of six calendar months shall elapse after any notice of motion is given, or after any reading of a Bill, without further action being taken on such motion or Bill, such motion or Bill shall be deemed to be withdrawn, unless the Council otherwise resolves." It is not the intention of the Government to withdraw this Bill, and I therefore move that this Bill shall not be deemed to be withdrawn.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to.

The Hon. the Attorney-General:—When I introduced this Bill into Council and it was read a first time last October I explained its provisions in detail, and I do not propose to weary the Council by repeating myself to-day, but I should mention that, since the Bill was first introduced a new clause has been included and that is clause 11, and perhaps I should refer honourable Members to the clause in order that they may understand its meaning.

Section 31 of the principal Ordinance reads: "Subject to the provisions of any regulation under section 15 any native may hunt, kill or capture without a licence any game birds." It is

now proposed that that section should read: "Subject to the provisions of any regulation under section 15 any native of Nigeria may hunt, kill or capture without a licence any game birds, provided that he does not use for such purpose any firearm other than a flint lock gun." It will be seen that it is proposed to restrict this privilege to natives of Nigeria and to add a provision that they shall not use anything but flint lock guns for the purpose.

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

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee on the Bill.

The Bill having passed through Committee after substituting the figures 1924 for 1923 in clause 1 and after the insertion of the words "1st" and "December" in the blank spaces in clause 2 (c) the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

LAND (PERPETUAL SUCCESSION) ORDINANCE.

On the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Council resolved itself into a Committee to consider a Bill entitled "An Ordinance to enable Trustees of Corporate Bodies to be appointed and to have Perpetual Succession and to Hold Land."

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

NOTICE OF MOTION.

The Hon. the Chief Secretary to the Government:—Your Excellency: I beg to give notice that at the next sitting of the Council I shall move that this Council approves the Expenditure of £43,582, as detailed in the Supplementary Estimates, 1923-24, and the Expenditure of £97,046, as detailed in the Supplementary Estimates, 1924-25, both of which have passed the Finance Committee this day.

MOTIONS.

The Hon. the Acting Chief Secretary to the Government, moved the following resolution:—

"Be it resolved; That this Council authorises the payment of a special gratuity of £500 to the estate of William Charles Chiswell, deceased, late Foreman of Works, Nigerian Railway, having regard to the fact that he had been in the Government Service since November, 1910, and died before the proposal for his appointment to a post on the permanent and pensionable establishment and his confirmation could be completed."

His Excellency:—Does any Honourable Member desire to address the Council on this resolution? It has been fully discussed in Finance Committee, together with the other three similar resolutions which appear on the Order paper in the name of the Honourable the Chief Secretary to the Government.

The Hon. the General Manager of the Railway seconded the motion which was agreed to.

The Hon. the Acting Chief Secretary to the Government, moved the following resolution:—

"Be it resolved; That this Council authorises the payment of a special gratuity of £520 to the estate of Frederick George Townsend, deceased, late Foreman of Works, Nigerian Railway, having regard to the fact that he had been in the Government Service since January, 1919, and died before sanction was received from the Secretary of State for his confirmation on the permanent and pensionable establishment."

The Hon. the General Manager of the Railway seconded the motion which was agreed to.

The Hon. Acting Chief Secretary to the Government moved the following resolution:—

"Be it resolved; That in accordance with Scale II of the Treasury Injury Warrant a pension of £85 per annum be awarded to the widow of Major G. L. D. Newcastle, D.S.O., M.C., Assistant Commissioner of Police, whose death was due to a gunshot wound while on a Police patrol in the Southern Provinces."

The Hon. Secretary, Southern Provinces seconded the motion which was agreed to.

The Hon. the Acting Chief Secretary to the Government, moved the following resolution was agreed to:—

"Be it resolved; That this Council authorises the payment of a special gratuity of £500 to the dependents of the late Major G. L. D. Newcastle, D.S.O., M.C."

The Hon. the Secretary, Southern Provinces seconded the motion which was agreed to.

ADJOURNMENT.

His Excellency:—Honourable Members, we can suspend the Standing Rules and Orders and proceed with the Bills which we read a first time this afternoon, or we can adjourn until to-morrow.

As it was ascertained that the majority of the Unofficial Members would prefer to postpone consideration of the remaining business the Council adjourned until 10.30 a.m. the 30th July, 1924.

DEBATES

IN THE

LEGISLATIVE COUNCIL OF NIGERIA,

Wednesday 30th July, 1924.

Pursuant to adjournment the Honourable the Members of the Legislative Council met at the Council Chamber at 10.30 A.M. this day.

PRESENT:—

The Acting Governor,

His Excellency Sir Donald Cameron, K.B.E., C.M.G.,—
President.

The Acting Chief Secretary to the Government,
The Honourable Mr. H. M. Moore.

The Lieutenant-Governor, Southern Provinces,
His Honour Lieutenant-Colonel H. C. Moorhouse,
C.M.G., D.S.O., etc.

The Lieutenant-Governor, Northern Provinces,
His Honour W. F. Gowers, C.M.G.

The Attorney-General,
The Honourable Mr. D. Kingdon,

The Commandant,
The Honourable Lieut.-Colonel J. F. Badham, D.S.O.

The Treasurer,
The Honourable Mr. D. S. MacGregor.

The Acting Director of Marine,
The Honourable Commander C. Elliott, R.D., R.N.R.

The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.

The Secretary for Native Affairs,
The Honourable Mr. S. M. Grier.

The Senior Resident, Oyo Province,
The Honourable Captain W. A. Ross, C.M.G.

The Secretary, Southern Provinces,
The Honourable Lieutenant-Colonel F. Jenkins, C.M.G.

The Acting Deputy Chief Secretary,
The Honourable Mr. H. O. S. Wright.

The General Manager of the Railway,
The Honourable Mr. E. M. Bland.

The Director of Public Works,
The Honourable Mr. C. L. Cox.

The Postmaster-General,
The Honourable Mr. H. M. Woolley.

The Member for the Colony Division,
The Honourable Mr. Kitoyi Ajasa, O.B.E.

The Member for Shipping,
The Honourable Mr. L. A. Archer.

The Member for Calabar,
The Honourable Mr. K. Ata-Amonu.

The Banking Member,
The Honourable Mr. W. F. Becker.

The Member for the Rivers Division,
The Honourable Chief Mark Pepple Jaja.

The Second Lagos Member,
The Honourable Mr. E. O. Moore.

The Commercial Member for Calabar,
The Honourable Mr. G. Graham Paul.

The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.

The First Lagos Member,
The Honourable Mr. J. E. Shyngle.

The Commercial Member for Lagos,
The Honourable Mr. A. Rhodes.

The Mining Member,
The Honourable Captain J. G. Foley, M.C.

The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.

ABSENT :—

The Director of the Medical and Sanitary Service.

The Senior Resident, Cameroons Province,

The Senior Resident, Onitsha Province,

The Senior Resident, Kano Province,

The Senior Resident, Sokoto Province,

The Senior Resident, Nupe Province,

The Senior Resident, Owerri Province,

The Senior Resident, Munshi Province,

The Senior Resident, Bauchi Province,

The Senior Resident, Bornu Province,

The Acting Secretary, Northern Provinces.

The Third Lagos Member,

The Commercial Member for Kano,

The Member for the Ibo Division,

The Member representing the Niger African Traders.

The Commercial Member for Port Harcourt.

MINUTES.

The minutes of the Meeting of the 29th July, having been printed and circulated to Honourable Members, were taken as read and confirmed after certain verbal amendments had been made.

The Hon. the Commercial Member for Calabar asked whether the supplementary questions and answers which took place during question time should not be included in the Minutes.

His Excellency replied that they would appear in the published debates.

The Hon. the First Lagos Member:—Before the Council proceeds with the further consideration of the business before it, I do not know whether I am in order to call the attention of the Council to the *Extraordinary Gazette* which was issued yesterday declaring the Oko-Awo District an infected area and ordering its evacuation. I only saw it this morning. What I want to know was whether any provision is being made for the accommodation of the inhabitants of the district who have to be removed. It occurs to me that they may be turned out of that district merely to go to another district and carry the infection with them.

His Excellency :—I regret that, in the absence of the Honourable the Director of the Medical and Sanitary Service, who asked that he might be excused I am unable to reply to the point raised by the Honourable Member. I agree that the point is one which is worthy of consideration and the honourable Member's representations will be brought to the notice of the Honourable the Director of the Medical and Sanitary Service.

There is, however, no question of any necessary precautions not being taken for lack of money. I have told the Honourable the Director of the Medical and Sanitary Service that, within reason, he can have as much money as is required.

The Hon. the Attorney-General :—I know that the points raised by the honourable Member are present in the mind of the Honourable the Director of the Medical and Sanitary Service. When he saw me with a view to drafting the notice for the *Extraordinary Gazette* he mentioned the very points now

The Hon. the Member for Calabar:—I associate myself with the remarks made by the Honourable the First Lagos Member.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee to consider the Bill clause by clause.

In clause 2 the words "eligible for" were substituted for the words "entitled to" in line 5 and the following was added after the word "Ordinance" in line 7.

"if he had duly given notice as provided in the second proviso to section 18 of the said Ordinance."

The Bill having passed through Committee with two amendments the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

CRIMINAL CODE (AMENDMENT NO. 2) ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Criminal Code Ordinance."

The objects of this Bill, Sir, are to enable flogging or whipping to be imposed for coining offences, and, in the case of one particular offence, to enable a sentence of ten years imprisonment to be imposed, instead of three years imprisonment. I regret to say, Sir, that the offences of coining and of uttering counterfeit coin have tended to increase recently, but owing to the vigilance and excellent work of the Police a number of the offenders have been caught and brought to justice. It is, however, felt that, in order to put a check to this practice, the penalties which can be imposed should be severer, and in particular that whipping or flogging should be capable of being inflicted upon this class of offenders. It is proposed to enable whipping or flogging to be inflicted for offences against sections 147, 148, 152 and 153 of the Criminal Code. I will read the marginal notes of these sections, so that honourable Members may know exactly for what offences it is proposed to impose this punishment:—

Section 147—"Counterfeiting gold and silver coin."

" 148—"Preparation for coining gold and silver coin."

" 152—"Repeated uttering of counterfeit current gold or silver coin, or possession of several such coins."

" 153—"Offences after previous conviction";

and, in addition to imposing whipping or flogging for these offences, it is proposed to increase the maximum penalty under section 152, that is, repeated uttering, from three to ten years imprisonment.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Secretary for Native Affairs seconded the motion.

The Hon. the Treasurer enquired whether no provision had been made as regards the coining of alloy coin.

The Hon. the Attorney-General replied that in this connection alloy coin was included in the term "silver."

Motion agreed to and the Council went into Committee to consider the Bill clause by clause.

In clause 1 "No 2" was inserted in the bracket after the word "amendment" and in clause 2 the word "hereto" was deleted. In the schedule the words "and figures" were inserted after the word "words" in the second column.

The Bill having passed through Committee with three amendments the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

GERMAN MISSIONS ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of a Bill entitled "An Ordinance to make provision for giving effect to Article 138 of the Treaty of Peace with Germany as to the Property of Christian Religious Missions formerly maintained by Germans in the British Cameroons."

This Bill, Sir, has been introduced in order to give effect to section 138 of the Peace Treaty and it is necessary that we should pass it. Its provisions are of a technical nature and the reasons for it are set out in detail in the preamble.

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

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee of the whole house to consider the Bill clause by clause.

The Bill having passed through Committee without amendment, the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

LAND REGISTRATION ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of a Bill entitled "An Ordinance to consolidate and amend the law relating to the Registration of Instruments affecting Land in Nigeria."

It is not pretended, Sir, that this Bill will completely solve the land question in Nigeria, but a complete system of land registration would be so expensive that it is impossible to provide for it at the present time; it is, however, sought in this Bill to utilise the

present machinery and to improve it in a number of ways, so as to make it work more smoothly and economically, both to the Government and to the public. It is hoped in that way that a great improvement will be effected in the present machinery of land registration.

The Bill is of a technical nature and has been prepared in consultation with several legal practitioners, and I am going to suggest to Your Excellency that perhaps it would be convenient to refer its clauses to a Select Committee rather than to deal with it in detail in a full Committee of this Council.

A number of the alterations, Sir, which the Bill makes in the present law are matters of quite minor detail. One of the principal alterations in the new Bill provides for the registration of the original instruments instead of requiring instruments to be copied in the Land Registration Office. That will be a great boon both to the public and to the office itself. The Bill further provides that the execution of an instrument by an illiterate grantor must be in the presence of a Magistrate and be subscribed by a Magistrate. That is a practice which is often followed now by illiterates in their own defence and it is now prescribed that that course must be followed.

A further alteration is that the method of proving instruments executed outside Nigeria is very much simplified by accepting the ordinary certification which is accepted in England. Further, the present requirement that instruments cannot be registered until assessed by a Commissioner of Stamp Duties is abolished. That provision is quite unnecessary and involves not only delay but much extra work both for the Commissioners of Stamp Duties and for legal practitioners.

I should mention that the new Bill will apply to the British Cameroons as well as to the rest of Nigeria.

As regards the date of commencement I suggest the 1st of January next.

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

The Hon. the Secretary for Native Affairs seconded the motion.

The Hon. the Commercial Member for Calabar:—I have nothing to say in opposition to the main provision of the Bill, viz. that the original instrument should be in the custody of the Registrar instead of the custody of the parties to the instrument. But it will have to be borne in mind that this new system of registration will involve a very much greater responsibility being put upon the staff of the Registration Office, and the routine regulations to be made governing the keeping and record and indexing of these original documents will have to be very carefully gone into.

The Hon. the Member for the Colony Division supported the motion for the second reading of the Bill.

The motion was put and carried and the Bill read a second time.

July, 30, 1924]

Council Debates.

On the motion of the Hon. the Attorney-General seconded by the Hon. the Member for the Egba Division, the Bill was referred to a Select Committee consisting of the following—

The Honourable the Attorney-General (Chairman),
The Honourable the Secretary, Southern Provinces,
The Honourable the Member for the Colony Division,
The Honourable the Member for Calabar,
The Honourable the Banking Member,
The Honourable the Mining Member,
The Honourable the Commercial Member for Kano,
The Honourable the Second Lagos Member,
The Honourable the Commercial Member for Calabar,
The Honourable the First Lagos Member.

The Hon. the Commercial Member for Calabar enquired whether it was intended that the Committee should report to the Council at its present sittings.

He was replied to in the negative.

LAGOS TOWNSHIP (AMENDMENT) ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Lagos Township Ordinance."

The objects of this Bill, Sir, are more or less of a formal nature. They are, first, to make the rating year of the Township coincide with the financial year and, secondly, to provide for a quarterly payment of rates. The alterations are recommended by the Town Council, for the sake of convenience.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee on the Bill.

The Bill having passed through Committee without amendment the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

WATERWORKS (AMENDMENT) ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move that a Bill entitled "An Ordinance to amend the Waterworks Ordinance" be read a second time.

This Bill, Sir, is also of a formal nature and is a companion to the Bill which has just been passed (The Lagos Township (Amendment) Ordinance, 1924). It provides for making the rating year for the purpose of waterworks coincide with the financial year and also provides for the quarterly payment of water rates.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee on the Bill.

The Bill having passed through Committee without amendment the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

BRITISH CAMEROONS EX-ENEMY IMMOVEABLE
PROPERTY DISPOSAL ORDINANCE

The Hon. the Attorney-General:—I beg to move the second reading of a Bill entitled "An Ordinance to legalise the acquisition by Ex-Enemy Nationals or Corporations under Ex-Enemy Control of Right, Title or Interest in Ex-Enemy Immoveable Property in the British Cameroons."

This Bill has become necessary in consequence of a decision of the Imperial Government to allow Ex-Enemy Nationals or Corporations to acquire property in the British Cameroons which was formerly owned by German Missions or firms, etc. there. The form is that directed by the Secretary of State who has considered it desirable that the power to purchase should be specifically given or rather that the prohibition on the purchase should be specifically withdrawn.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee on the Bill.

The Bill having passed through Committee without amendment the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

MINERALS (AMENDMENT) ORDINANCE.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Minerals Ordinance."

This Bill, Sir, makes one amendment in the interpretation clause of the Minerals Ordinance. Its effect is to take out limestone and all forms of stone, clay and gravel used for purposes of construction from the definition of earthy minerals in the Minerals Ordinance. It is proposed that the question of entering land for the purpose of taking building material should be dealt with in an amendment to the Land and Native Rights Ordinance instead of in the Minerals Ordinance.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee on the Bill.

The Bill having passed through Committee without amendment the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

NIGER TRANSIT ORDINANCE.

The Hon. the Attorney-General:—I beg to move that Standing Order No. 23 be suspended in order to enable a Bill entitled "An Ordinance to make provision for the passing of vessels and of goods in transit between the sea and places beyond Nigeria, *via* the River Niger or in the case of goods partly *via* the River Niger and partly by land," to be read a second time and passed through all its stages at this sitting of the Council.

The Secretary of State has directed that this Bill should be passed as soon as possible because the Royal Order in Council to which it is a corollary has already been made and received for publication in the Colony.

The Hon. the Comptroller of Customs seconded.

His Excellency added that the Bill merely proposed to substitute a local Ordinance for Regulations made under an Imperial Act.

The motion was put and carried.

The Hon. the Attorney-General:—I beg, Sir, to move the second reading of the Bill.

As Your Excellency has just said, this Bill is to take the place of the present Order in Council and makes provisions similar to those contained in the Royal Order in Council which was made at a time when Southern Nigeria and Northern Nigeria had not yet been amalgamated and it was impossible to make the necessary provisions by an Ordinance. In view of the amalgamation it has become possible to make the necessary provisions by Ordinance, and it has been decided that the Royal Order in Council should be repealed and a local Ordinance substituted therefor, and the Bill is to give effect to that decision.

The Hon. the Secretary for Native Affairs seconded the motion which was agreed to and the Council went into Committee on the Bill.

The Bill having passed through Committee without amendment the Council resumed and on the motion of the Hon. the Attorney-General, seconded by the Hon. the Secretary for Native Affairs, the Bill was read a third time and passed.

ADJOURNMENT.

His Excellency:—That, Honourable Members, is the end of our labours. I thank you for your attendance, and I declare the first Session of 1924 closed.



NIGERIA.

LEGISLATIVE COUNCIL
DEBATES.

FIFTH SESSION, 1927.

(4TH AND 5TH APRIL, 1927.)

LAGOS:
PRINTED BY THE GOVERNMENT PRINTER
1927.

DEBATES

IN THE

LEGISLATIVE COUNCIL OF NIGERIA,

ON

Monday 4th April, 1927.

On the opening of the Meeting, the Honourable the members of the Legislative Council met at the Council Chamber, Lagos, at 10. A.M. on Monday the 4th April.

PRESENT:

- The Governor,
His Excellency Sir Graeme Thomson, K.C.B.
- The Chief Secretary to the Government,
The Honourable Mr. F. M. Baddeley, C.M.G.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major U. F. H. Ruxton, C.M.G.
- The Attorney-General,
The Honourable Mr. D. Kingdon, K.C.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. T. B. Adam.
- The Treasurer,
The Honourable Mr. D. S. MacGregor, O.B.E.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.
C.M.G., D.S.O., R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Acting Secretary for Native Affairs,
The Honourable Mr. G. J. F. Tomlinson.
- The Honourable Captain W. A. Ross, C.M.G., Senior Resident.
- The Deputy Chief Secretary,
The Honourable Mr. T. S. W. Thomas, O.B.E.
- The Acting Secretary, Southern Provinces,
The Honourable Major C. T. Lawrence, O.B.E.
- The General Manager of the Railway,
The Honourable Mr. F. M. Bland, C.M.G.
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.
- The Postmaster-General,
The Honourable Mr. G. I. Righton.
- The Second Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,
The Honourable Mr. Kitoyi Ajasa, O.B.E.
- The Member for Shipping,
The Honourable Mr. H. S. Feggetter.
- The Member for Calabar,
The Honourable Mr. K. Ata-Amouu.

- The Banking Member,
The Honourable Mr. W. F. Becker.
- The Member for the Ibo Division,
The Honourable Mr. I. O. Mba.
- The First Lagos Member,
The Honourable Mr. E. O. Moore.
- The Member representing the Niger African Traders,
The Honourable Mr. S. C. Obianwu.
- The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Third Lagos Member,
The Honourable Dr. J. A. Caulerick.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Resident of the Colony,
Major W. Birrell Gray, (Extraordinary Member).

ABSENT:-

- The Lieutenant-Governor, Northern Provinces,
The Commandant,
The Honourable Mr. R. A. Roberts, C.B.E., Senior Resident.
The Honourable Mr. E. J. Arnett, C.M.C., Senior Resident.
The Honourable Major J. M. Fremantle, M.B.E., Senior Resident.
The Honourable Mr. G. W. Webster, M.B.E., Senior Resident.
The Honourable Mr. J. C. C. P. Sciortino, Senior Resident.
The Honourable Mr. C. W. Alexander, Senior Resident.
The Honourable Capt. P. Lonsdale, Senior Resident.
The Honourable Mr. E. H. B. Laing, Senior Resident.
The Secretary, Northern Provinces.
The Mining Member,
The Commercial Member for Calabar,
The Commercial Member for Kano,
The Commercial Member for Port Harcourt.

OATH.

Major W. Birrell-Gray, The Resident of the Colony took the Oath as an Extraordinary Member of the Council.

MINUTES.

The Minutes of the Meeting of the 5th of February having been printed and circulated to Honourable Members were taken as read, and confirmed.

PETITIONS.

The Honourable the Second Lagos Member presented a petition from the Chiefs and people of Badagry.

The Hon. the Second Lagos Member:—

Your Excellency: I beg to lay on the Table a petition from the Chiefs and people of Badagry praying that it will be your pleasure that the General Tax (Colony) Ordinance, and the Native Courts and Native Authority Extension Ordinance, 1927, be not resolved into law so far as they relate to the Badagry Division of the Colony.

In the petition, Your Excellency, the people submit that it is an attempt to enforce upon them a tax in the nature of a capitation tax. This will result in insurmountable hardships which will lead to the ultimate ruin of the people. They are British subjects, and have been for many years enjoying the privileges and advantages pertaining to British subjects, and they have not, so far as they are aware, forfeited their right to those privileges.



They submit, Sir, that the attempt to apply the Native Courts and Native Authority Extension Ordinance to their Division is nothing less in their opinion than a measure of inequity. I wish to emphasise one point in connection with that petition and that is that the Chiefs of Badagry are themselves signatories of that petition and although, if the Ordinance be made to apply to their district it will mean that the native authority will be invested upon them, yet in the interests of the community, they have not hesitated to join forces with their people in praying that it will be Your Excellency's pleasure that that Ordinance be not enacted into law.

The Honourable the Second Lagos Member also presented a petition from the Nigerian National Democratic Party, praying that the Native Courts and Native Authority Extension Ordinance and the General Tax (Colony) Ordinance be not enacted into law.

The Hon. the Second Lagos Member:—

I beg, also Sir, to lay on the Table a petition against the said Native Courts and Native Authority Extension Ordinance, and the General Tax (Colony) Ordinance adopted by the Nigerian National Democratic Party at their last general meeting which was held at Glover Hall on the 12th of March. In that petition, Sir, you will see the petitioners also humbly submit that they are themselves British subjects and that for sixty years they have had uninterrupted enjoyment of the privileges and benefits of British subjects. They submit, Sir, that they themselves have not forfeited their right to those privileges, and the attempt now to introduce these two Bills into the Statute Book of the Colony is, in their opinion, not only a violation of the Treaty of Cession of 1861, but it violates the sacred principles of trusteeship. A copy of the manifesto has been sent to the Governor through the Honourable, the Chief Secretary, and I believe Your Excellency gave an undertaking that the arguments and objections which were set out in detail in that manifesto would be taken into consideration if they were brought before the Council. I move, Sir, that it be the opinion of the Council that that petition be read. It may take a little of the honourable Council's time, but it

His Excellency:

Do I understand that the Honourable Member wishes the petition to be read now?

The Hon. the Second Lagos Member:—

Yes, Sir.

His Excellency:—

Very well. We will take a division on the motion that the petition be read. Those in favour say "Aye," those against "No."

The motion was put to the vote the Members voting as follows:

FOR 12.	AGAINST 16.
The Hon. the Commercial Member for Lagos.	The Hon. the Member for the Colony Division.
The Hon. the Third Lagos Member.	The Hon. the Resident of the Colony.
The Hon. the Member for the Oyo Division.	The Hon. the Postmaster-General.
The Hon. the Member for Rivers Division.	The Acting Director of Public Works.
The Hon. the Member for the Egba Division.	The Hon. the General Manager of the Railway.
The Hon. the Member representing the Niger African Traders.	The Hon. the Acting Secretary, Southern Provinces.
The Hon. the First Lagos Member.	The Hon. the Deputy Chief Secretary.
The Hon. the Member for the Ibo Division.	The Hon. Capt. Ross Senior Resident.
The Hon. the Banking Member.	The Hon. the Acting Secretary for Native Affairs.
The Hon. the Member for Calabar.	The Hon. the Comptroller of Customs.
The Hon. the Member for Shipping.	The Hon. the Director of Marine.
The Hon. the Second Lagos Member.	The Hon. the Treasurer.
	The Hon. the Acting Director of Medical and Sanitary Service.
	The Hon. the Attorney-General.
	His Honour the Lieutenant-Governor, Southern Provinces.
	The Hon. the Chief Secretary to the Government.

The motion was therefore declared to be lost.

His Excellency:—

I want to explain to the Honourable Member that though on this result of the vote I cannot agree to the petition being read, my impression is that the contents are pretty familiar to most of the gentlemen sitting round here.

The Hon. the Member for Calabar:—

Your Excellency. On a point of procedure may I ask if it is suggested that the petition is known or is familiar to Members present? I wish to know because petitions as a rule, are addressed to the Governor-in-Council, and if it is sent to you, Your Excellency, and the official members—and after all it is the official members who are in the majority—say “No, it must not be read,” what is the use of

His Excellency:—

I would explain to the Honourable Member that the subject matter of this petition can be brought forward in debate. It is open to any member to quote from the petition in the course of the debate and there is no doubt whatsoever that many of the points which are mentioned in the petition will be brought forward. It seems to me a pure waste of Members' time to read a very lengthy petition when there will be every facility for all the points contained therein to be brought up in debate.

The Hon. the Member for Calabar:—

If Your Excellency says it is lengthy, I shall say no more, but I think we have a right to know what is in the petition before we debate on it.

The Hon. the Second Lagos Member:—

I beg to lay on the Table a petition from the Nigerian Pharmaceutical Society in connection with the Poisons and Pharmacy Ordinance, 1927, and to provide for the registration of licences. The gist of the petition, Your Excellency, is a prayer from the petitioners that such amendments be made which will not deprive them of their rights which they have been enjoying under former Ordinances.

His Excellency:—

I quite agree with the amendments that are suggested in the petition, and I hope the Honourable Member will himself move them, so it is not necessary for him to explain any further.

The Hon. the Second Lagos Member:—

Quite so, Your Excellency.

The Hon. the Member for Calabar:—

I beg to lay on the Table a petition sent by the School Teachers of Calabar. The petition is already before the Council and I have nothing to add.

PAPERS LAID.

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

Sessional Paper No. 2 of 1927, Kano Water Supply Scheme.

Sessional Paper No. 3 of 1927, Annual Reports by the Police Magistrates for the year 1926.

Sessional Paper No. 4 of 1927, Annual Report on the Government Printing Department for the year 1926.

Sessional Paper No. 5 of 1927, Report on Live Stock Problems in Nigeria, by Dr. P. J. du Toit, Veterinary Research Laboratory, Onderskpoort, Pretoria, South Africa.

Sessional Paper No. 6 of 1927, Correspondence relating to the condition of Carter Bridge.

Supplementary Estimates, 1926-27.

The 1927 Supplement of the Laws.



QUESTIONS.

The Hon. the Third Lagos Member:—

1. Pursuant to Government reply to question No. 63 at the meeting of this Council in February last with reference to Agbassa Land Acquisition in 1908 and 1915—

To ask whether the Public Lands Acquisition Ordinance No. 5 of 1903 and Proclamation No. 5 of 1903 were not in operation at the time of the acquisition?

(b) If they were in operation, to ask whether Government will be pleased to state the reason or reasons why the two acres in question being the property of a native community acquired from their head chiefs were not acquired in accordance with Section 26 of that Ordinance (Public Lands Acquisition Ordinance No. 5 of 1903) or with Section 23 of that Proclamation (No. 5 of 1903)?

The Hon. the Acting Secretary, Southern Provinces:—

The answer is in the affirmative.

(b) There is nothing in the Ordinance quoted which prevented the Government proceeding by way of agreement instead of by compulsion.

The Hon. the Third Lagos Member:—

2. To ask for a statement of the aggregate amount of monies paid by Government to the head chiefs up to December last year as consideration or compensation for this 1908 and 1911 Agbassa acquisition?

(b) To ask whether Government will be pleased to state the terms of distribution of this amount and whether such terms were approved of by the Governor? or

(c) To ask in what manner has this amount been applied and used for the benefit of native community, and whether that manner was one determined by the native council of Warri with the sanction of the Governor?

The Hon. the Acting Secretary, Southern Provinces:—

The rentals are £60 a year from 13th July, 1908, and £30 a year from 25th February, 1911.

(b) and (c) Rents paid by Government for lands at Warri are paid one-sixth to Chief Dore and the remainder used for the maintenance of the Olu's house at Old Warri and for customary religious rites connected therewith. There are three trustees, Chiefs Dore, Ogbotini, Omagbemi. The scheme received the approval of Government.

The Hon. the Member for Calabar:—

Arising out of that question, to ask how much Government has got, and how much did it get from the people who live on these lands?

The Hon. the Acting Secretary, Southern Provinces:—

I suggest that the Honourable Member can ascertain this for himself from the answer given to this question.

The Hon. the Third Lagos Member:—

3. To ask how many land cases were heard in the Native Courts in the Southern Provinces within the last two years, how many were dealt with in the Provincial Courts and how many land cases were actually transferred from the Provincial Courts throughout the Southern Provinces to the Supreme Court?

The Hon. the Acting Secretary, Southern Provinces:—

In the Southern Provinces 6,105 land cases were heard in the Native Courts in the course of the last two years and 176 in the Provincial Courts.

Nine cases were transferred from the Provincial Court to the Supreme Court in the same period.

The Hon. the Third Lagos Member:—

4. To ask whether it is the intention of the Government to remove the Supreme Court building from the present site at Tinubu Square, and if so,

(b) To what other site is it proposed to remove the building to?

(c) To what use will the Tinubu site be put in case of such removal?

The Hon. the Chief Secretary to the Government:—

The reply to part (a) of the question is that at present there is no such intention, and the two other parts do not therefore arise.

The Hon. the Third Lagos Member:—

5. To ask whether the port of Lagos and quays have been completed at Apapa?

(b) If so, what is the total cost to the Colony of this contract?

(c) If not yet complete will Government be pleased to state what is the amount of the total contract, the amount spent up to date, and whether the balance of the contract amount is expected to cover the total cost of construction?

The Hon. the Chief Secretary to the Government:—

(a) Yes, with the exception of a fence round the area which will be built by the railway.

(b) The contract falls into two parts (i) the main contract comprising the construction of the wharves, sheds, etc. (ii) the subsidiary works such as electrical installation, etc. The provision made for the main contract, *vide* Head 45 item 11 (a) of the current year's estimates, is £840,000 and the estimated expenditure is £829,984. The provision made for the subsidiary works, *vide* Head 45 item 11 (b), is £95,000 and the estimated total cost is £83,112. It is not yet possible to give the final figures, but it may safely be said that the provision made will be more than sufficient to cover all expenditure.

The Hon. the Third Lagos Member:—

6. Since the last accident on the Carter Bridge to a motor car which fell overboard with about eight passengers who perished, what precautions are being taken at the present moment by the authorities to prevent a recurrence?

(b) How many motor accidents of this kind have happened since January, 1926, up to the present time and how many lives were lost?

The Hon. the Acting Secretary, Southern Provinces:—

Three constables are posted on the bridge and approaches for the purpose of controlling traffic.

(b) Since 1st January, 1926, there have been nine motor accidents on Carter Bridge. The accident referred to by the Honourable Member resulted in six deaths; the other accidents involved no loss of life.

The Hon. the Third Lagos Member:—

7. To ask whether a statement can be made as to how soon the new bridge connecting Lagos and Iddo Islands will be commenced?

(b) What are the dimensions of this bridge, what will be the period of construction, and the estimated cost of completion?

The Hon. the Chief Secretary to the Government:—

The Honourable Member is referred to the motion in the Order of the Day to be moved by the Chief Secretary to the Government on the question of Carter Bridge and to Sessional Paper No. 6 of 1927.

The Hon. the Third Lagos Member:—

8. To ask whether any report has been made to Government of complaints against certain person or persons unknown who wilfully let loose mahogany logs of private owners from their moorings?

(b) If so what steps has Government taken or will take to check this most undesirable state of affairs?

The Hon. the Acting Secretary, Southern Provinces:—

On the 18th February, 1927, a report was made to the police by Mr. Aromashodun to the effect that a number of logs belonging to him had been cut adrift from their moorings at Ijora the previous day.

(b) The matter was investigated by the police who accompanied the complainant in search of these logs, as a result of which twelve were found in the vicinity of the East Mole wharf. The police were unable to discover how the logs came adrift.

This is the only instance of the kind that has been reported and no special police measures would therefore appear to be necessary in order to deal with such cases.

The Hon. the Member for Calabar:—

9. To ask how much it cost Government to dismantle and convey the Bonny Consulate to Port Harcourt?

(b) What part of the materials conveyed to Port Harcourt was used in building the Consulate at Port Harcourt?

The Hon. the Acting Director of Public Works:

Five hundred and forty pounds.

(b) All steel stanchions, roofing timbers, flooring joists and beams, joinery, doors, windows, cast iron columns and corrugated iron.

In other words practically the whole of the original materials were employed on the new building, excepting floor and ceiling boarding.

The Hon. the Member for Calabar:—

Arising out of the answer to that question to ask whether the Consulate at Port Harcourt is not built of bricks, and is it not a fact that, with the exception of the iron pillars, no portion of the Consulate removed from Bonny was used? A great part of this material can be seen lying at Port Harcourt.

The Hon. the Acting Director of Public Works:—

By using this second-hand material the building was constructed at less than one-half of the cost of a similar building made wholly of new materials.

The Hon. the Member for Calabar:—

10. To ask, in view of the intention of the Government to extend the "benefits" of Native Administration to the Colony, and to enable Honourable Members to judge the extent of the "benefits," whether Government will be pleased to supply each unofficial member of the Legislative Council with a copy of Mr. Grier's report on the Eastern Division of the Southern Provinces made in 1922?

The Hon. the Chief Secretary to the Government:—

The answer is in the negative. The report in question was written for the confidential information of Government and is not intended for general distribution.

The Hon. the Member for Calabar:—

Arising out of that reply, to ask that when Members of this Council are asked to legislate for the people, whether every possible information should not be put at their disposal in order that they may arrive at proper decisions?

His Excellency:—

The Honourable Member's remarks seem to me to be irrelevant to the question. What he has asked for is a confidential document. He must be well aware that while it is the Government's desire to give as much relevant information as possible, it is not possible for Government to agree to supply confidential documents to Honourable Members.

The Hon. the Second Lagos Member:—

11. To ask for an indication as to what would be considered a reasonable period under existing circumstances for an applicant to wait for the installation of water in his premises from the date his application is delivered to the Water Authority?

(b) To ask how many such applications, if any, are on the waiting list at the present time, and what are their respective dates?

The Hon. the Acting Director of Public Works:—

The average time is from three to four weeks.

(b) Two applications were outstanding on the 20th of March; one received in December, 1926, was held up owing to non-arrival of piping and by press of work for the Town Council, etc., the other was received in January but on each occasion that the Chief Foreman Plumber has called to take particulars the applicant has been absent from home.

The Hon. the Second Lagos Member:—

12. In view of the growing increase in vehicular and other traffic to and from Ikoyi, to ask whether Government will not in the interest of the safety of the community take steps to widen the MacGregor Canal Bridge or construct a foot crossing on either side of it?

The Hon. the Acting Secretary, Southern Provinces:—

The matter has been referred to the officer now engaged in town planning. There is no record of any serious accident having occurred at this bridge.

The Hon. the Second Lagos Member:—

13. To ask for an indication as to how soon the new site on the island of Lagos promised quite twelve months ago, will be allotted to the Moslem community for burial purposes?

The Hon. the Acting Secretary, Southern Provinces:—

No promise was made. It is regretted that it has not been found practicable to allot a new site for burials on the Island of Lagos to the Moslem community.

The Hon. the Second Lagos Member:—

Arising out of that reply, Sir, to ask whether the Honourable the Secretary, Southern Provinces is aware of an interview which was granted to a delegation of the town by the Lieutenant-Governor on the subject of this cemetery, and whether, from the record of this meeting, he is not under the impression that some such promise was made?

The Hon. the Acting Secretary, Southern Provinces:—

There was no promise made at all. The question of enclosing a part of the cemetery at Ikoyi was considered too expensive, and the Moslems are therefore quite willing to go out to Yaba, where they go now.

The Hon. the Second Lagos Member:—

14. The inclusive cost to Government for the generation of electricity for lighting purposes being 9.3 pence per unit, and in view of the very large number of private consumers, to ask whether Government will be pleased to make a reasonable reduction in the present charge of fifteen pence per unit and eighteen pence flat rate?

The Hon. the Acting Director of Public Works:—

It is proposed to examine the position when full information is available as to costs of and revenue from electric current in Lagos for the financial year 1926-27. Should Government be satisfied that the facts justify a reduction in present rates a reduction will be made.

The Hon. the Second Lagos Member:—

15. To ask how many officials residing in the European reservation, Ikoyi, are in receipt of allowances in lieu of proper, or properly furnished, quarters?

(b) To ask how many drew similar allowances, and at what cost to the revenue, during the years 1922 to 1926 inclusive?

The Hon. the Acting Secretary, Southern Provinces:—

The answer to the first part of the question is "sixteen, fourteen of whom are Rodent Inspectors."

(b) A full answer to the second part of the question would entail a very great amount of work. It is hoped that the following information will satisfy the Honourable Member:—

In the month of March, 1922, seventeen officers drew £91.

In the month of March, 1923, eleven officers drew £50.

In the month of March, 1924, three officers drew £15.

In the month of March, 1925, one officer drew £5.

In the month of March, 1926, three officers drew £15.

The Hon. the Second Lagos Member:—

16. To ask for a statement of the aggregate amount of monies paid by Government since 1920 as compensation in respect of lands acquired from the Ijora native community under the Public Lands Acquisition Ordinance?

(b) To ask, further, for a statement of the terms of distribution of the amounts, and whether such terms were approved of by the Governor, in accordance with the provisions of the said Ordinance?

The Hon. the Acting Secretary, Southern Provinces:—

(a) The amounts paid were as follows:—

	£	s.	d.
(1) Notice No. 24 of 17-4-17 ... (paid on 5-6-23.)	13,520	16	0
(2) Notice No. 57 of 4-12-18 ... (paid on certificate to Railway delivered 30-6-24.)	971	4	9
(3) Notice No. 31 of 7-6-19 ... (paid on 25-8-22.)	15,178	2	6
	£29,670	3	3

Items 1 and 3 were paid by the Commissioner of Lands, and item 2 by the Railway Department.

(b) There is an action in Court in connection with the money paid to the Ojora family.

The Hon. the Second Lagos Member:—

17. To ask how many officials or official's wives in Lagos draw allowances for the maintenance of their gardens?

(b) And to ask how many officials or official's wives drew similar allowances, and at what cost to the revenue, during the years 1922 to 1926 inclusive?

The Hon. the Chief Secretary to the Government:—

No such allowances are drawn, or were drawn during the years in question; nor so far as Government is aware have they ever been drawn.

The Hon. the Second Lagos Member:—

18. Referring to Government reply to Question No. 69 at the meeting of Council on October 20th, 1925, to ask for a statement of the result of the "careful consideration" promised "in due course" which may have since been given to the representations contained in the question?

The Hon. the Chief Secretary to the Government:—

The Honourable Member is referred to Order-in-Council No. 5 of 1926, made under the Customs Tariff Ordinance, whereby provisions imported in cold storage were removed from the free list.

The Hon. the Second Lagos Member:—

19. To ask whether the Resident of the Colony received from the Commissioner of Lands on the 5th day of February, 1927, Cheque No. 235726 dated 4th February, 1927, for the sum of £322 13s. payable to "the Oloto" in respect of a portion of the Oloto Family Land at Yaba expropriated by Government?

(b) If so, to ask whether the Resident of the Colony in accordance with Section 23 of the Public Lands Acquisition Ordinance Cap. 88, did satisfy himself that the sum of £322 13s. so received was to be, and was, distributed amongst the members of the Oloto Family in such proportions and in such manner as the Governor has approved of?

(c) If so, to ask for a statement in detail of the terms of the distribution of the said £322 13s. as approved of by the Governor showing what portions, if any, were distributed to Chief Akilolu Oloto and the members of the Oloto Family with him?

The Hon. the Acting Secretary, Southern Provinces:—

The cheque referred to was brought to the office of the Resident of the Colony by Mr. A. Latunde Johnson the solicitor to the Olotu family. He was accompanied by Chief Olotu and his followers and certain family matters were discussed. At the request of Chief Olotu and his elders the cheque was returned to their solicitor at the same interview, as certain family disputes were, and still are, unsettled. No scheme of distribution can be drawn up until judgment has been given in the case at present pending in Court.

The Hon. the Second Lagos Member:—

20. To ask (a) what office or offices in the Government, or Administration, in the Eastern Province, the undermentioned persons held ere they were appointed Warrant Chiefs of the Minor Courts in that Province: namely—

Jaysah of Kokores in the Kwale District;
Jasso of Ajayubeh, Warri;
Sam Shekiri of Efurun Town, Warri;
Afinogo Tete of Efurun Town, Warri;
Ukuwere of Efurun Town, Warri;
Eyiamenu of Sapele;
Abeke of Sapele;
Agbojule of Sapele; and
K. K. Akenu of Tori?

(b) To ask how many of them, if any, are descendants of the natural rulers of the country? And

(c) What, if any, are the Police records against them?

The Hon. the Acting Secretary, Southern Provinces:—

The information required has been asked for but a reply has not yet been received.

The Hon. the Second Lagos Member:—

21. To ask what class of officials, in Nigeria, enjoy the privilege of local leave?

(b) To ask whether these officials draw, or are paid, travelling allowance, over and above free transport, when travelling about during their enjoyment of the local leave?

(c) To ask whether free transport, with or without travelling allowance, is paid to officials who may elect to spend the local leave outside Nigeria?

The Hon. the Chief Secretary to the Government:—

(a) Officers on the new leave regulations.

(b) Yes, for six days or for the period of the journey whichever is less.

(c) Yes, for six days or for the period of the journey whichever is less.

The regulations are set forth in full in General Order 322 (a).

The Hon. the Second Lagos Member:—

22. To ask for a statement of the amount of money that has actually been spent up to date, in materials and labour respectively, in the construction of the new bridge at Idumagbo?

(b) To ask for a statement of the original estimate?

(c) And if that original estimate is likely to be exceeded to ask why?

The Hon. the Acting Secretary, Southern Provinces:—

Total expenditure £4,929 made up as follows:—

(a) labour, £634;
 materials, £4,295, including a temporary foot bridge;

(b) £5,000;

(c) this will be explained when the motion on the Order of the Day is proposed.

The Hon. the Second Lagos Member:—

23. To ask that Government be pleased to furnish the following particulars in connection with the outbreak of the fire at Oke Arin on the night of the 18th March, 1927; namely—

- (a) The number of policemen detailed for, and actually on duty that night in the vicinity?
- (b) How long was it from the time the outbreak occurred to the time the fire brigade actually arrived on the spot?
- (c) How many fire-hydrants are within the district of Alakoro, and at what distances apart?
- (d) Whether the Officer-in-Charge of the brigade then had an exact knowledge of the positions of these hydrants at the time of the fire?
- (e) How far distant from the fire were the hydrants from which water was drawn on this occasion? And
- (f) How many public stand pipes are within the district of Alakoro?

The Hon. the Acting Secretary, Southern Provinces:—

- (a) There were thirteen constables detailed for and actually on duty in the vicinity.
- (b) The alarm was first given by a constable on duty and the Brigade arrived on the scene about ten minutes later.
- (c) Six—at about one hundred and fifty yards interval.
- (d) The answer is in the affirmative.
- (e) The Brigade operated from three hydrants approximately 150, 140 and 100 yards distant from the scene of the fire.
- (f) None.

The Hon. the Commercial Member for Lagos:—

24. To ask whether the loss incurred by the Railway owing to Government's concession of a rate of 1s. per ton on Cotton will be made good to the Railway and shown in the Estimates as a subsidy to the cotton industry.

The Hon. the Chief Secretary to the Government:—

The temporary reduction of freight on cotton will be borne by the General Revenue and the railway re-imbursed with the difference between the rate as shown in the Tariff and the one shilling a ton from any point to the coast.

RESOLUTIONS.

The Hon. the Chief Secretary to the Government:—

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

“Be it resolved: That this Council approve of the
 “construction of a new Carter Bridge at an
 “approximate cost of £426,000 for the reasons given
 “in Sessional Paper No. 6, laid on the table at
 “this meeting.”

The Sessional Paper laid on the Table this morning also includes a Sessional Paper laid in February, 1926, stating what the position was at that time. You will see it was quite clear in that Sessional Paper that a year ago there was realised the necessity for a bridge and full reasons were given to the Secretary of State in a despatch which also contained as an enclosure a memorandum giving details why the bridge was necessary.

Since that time we have received a report dated March this year by Mr. Coode, of the Consulting Engineers, in which he specifically states the necessity for a bridge, and also placing before us two alternatives. The first alternative is a bridge which will be able to contain two lines of tram or rail track. The cost of that is estimated at £489,000. The width of such a bridge, to allow for a ten foot foot-way each side will be forty-eight feet, making a total of sixty-eight feet.

The second alternative is to provide a bridge which will allow for four streams of motor traffic, and such a bridge is estimated to cost £426,000. It is also stated that with a bridge of that design it will be possible at some future date, if it is thought advisable, to lay one track. That one track would allow for a vehicular track each side, that is to say, one rail track and two streams of traffic.

It was thought at one time that it might be cheaper to construct a bridge only for pedestrian and motor traffic rather than to have a bridge with a line of rail and two streams of traffic. That is not so, for this reason. If you have a bridge with one rail track and two streams of traffic, whenever there was no train or tram on the bridge it would be used as a four-way traffic bridge. A four-way traffic bridge to be of the greatest use must provide for the heaviest load and I understand from the Consulting Engineers that the actual strength required to be carried is no less, in fact it might be slightly greater than, one line and two-way traffic.

The question then arose as to which design should be adopted. The Government are of opinion that the question of a bridge to carry two lines of trams or trains should be definitely abandoned. Those of you who are aware of the tram system in England know perfectly well that the day of the tram is over; the general conclusion is that they do not now serve the purpose which they did originally. Trams date back to the days when there were no motor buses. They take up the middle of the road; they require expensive tracks; they require motive power; they stop in the middle of the road and cannot do the work which the motor buses can do. I will quote a paragraph from the March number of "Tropical Life" on this point:—

" More Trams being Scrapped.

" Another stretch of tramway is to be scrapped. That can only be to the good where the authorities neglect the roads and overcharge the taxpayers, in order to lower their deficits as much as possible on paper. Commenting on the latest area condemned, the *Daily Mail* writes that the line would cost many thousands of pounds to re-condition and, owing to the competition of motor omnibuses, it loses money.

" The day of the tramway is rapidly passing and, while it would be unwise to scrap all tramways to-morrow, were that possible, their gradual disappearance and replacement by other forms of transport must prove a blessing.

" No new tramways should be laid, on any excuse. They are expensive to put down, uneconomic to run, and possess almost every possible defect. Having no flexibility and being extremely cumbersome and obstructive, they cannot hope to compete successfully with motor omnibuses. Moreover by setting down their passengers in the middle of the road, they are a source of constant danger and delay.

" Some towns have already done away with their tramways. Many other towns, notably London, find that they can only run them at a heavy annual loss. Such facts prove more eloquently than any words that tramways as a profitable and useful means of conveyance are doomed."

In confirmation of that, I may say that the other day when Sir John Hunter was here, he was telling me what was happening in Glasgow which has always had the last word as regards the excellence of its tramway system. He has lived in Glasgow all his life and he tells me that the trams are now losing and are a source of embarrassment to the Corporation.

Lagos is not suitable for trams. A tram track coming over Carter Bridge would have to go down through Victoria Street and through other unsuitable places; the streets are far too narrow, and if you have a tram system it will only accentuate the inconveniences. If trams are not coming to Lagos, there is no point in their coming over the bridge, and I think the solution of the transport problem in Lagos will be motor buses to the other side of the bridge to Iddo, where they will connect with the train service from Iddo.

The Government has therefore decided to abandon the scheme for a bridge carrying trams. We are left then with the cheaper bridge which will carry a four-way track. It will be a thirty-eight foot wide bridge and will have ten feet each side for foot passengers and will allow eventually, if so decided, to put down one rail or tram track.

I will ask my honourable friend the Treasurer to second the motion and I hope the Acting Director of Public Works will give some further information on a few technical points.

The Hon. the Treasurer:—

I beg to second the motion.

The Hon. the Acting Director of Public Works:—

In supporting this motion it is unnecessary to refer at length to the condition of the existing bridge, the inadequacy of which is obvious. In designing the new bridge the Consulting Engineers have been faced with a problem of anticipating what will happen in the future. They have made it clear in their paper before the Council that in July, 1925, there was a daily average of 3,435 vehicles crossing the bridge under extraordinarily difficult circumstances. I have no census of traffic on the bridge to-day but would mention that the traffic census on the road to Agege showed an increase of over fifty per cent. between March, 1926 and March, 1927. Motor traffic is only beginning to come to Nigeria and we may take it that in the future the scheme that the Consulting Engineers have now recommended will certainly be none too adequate. In connection with the design to be adopted the Consulting Engineers had to regard the foundations available, and it was found that they presented certain difficulties. As a result the engineers have recommended that the structure be founded on screw piles, and that recommendation has been adopted by the Government. A screw pile bridge has certain disadvantages, but those disadvantages plus the additional cost of the bridge, do not outweigh the very greatly reduced cost of any other type of bridge.

As regards the width of the road the Consulting Engineers have recommended, and Government has adopted, a suggestion to have a thirty-eight foot roadway, which will allow for four lanes of wheeled traffic and two foot paths of ten feet each on each side. It is in every way probable that this will be more than sufficient to provide for the needs of Lagos for a very long period.

The estimated cost includes in addition to the bridge, a small item for reclamation. This reclamation is undertaken in connection with the bridge in order to provide a site for the work in connection with the construction of the bridge.

His Excellency:—

Does any other Honourable Member wish to speak on this resolution?

No other Member having expressed a desire to speak, the resolution was put to the vote and adopted unanimously.

His Excellency:—

The next resolution will be postponed until after the Bills have been taken.

The Hon. the Acting Secretary, Southern Provinces:—

Your Excellency, I rise to propose the resolution standing in my name:

“Be it resolved: That this Council approve the advance to the Lagos Town Council of a sum of £5,000 for additional works embraced by the erection of the “bridge at Idinmagbo.”

“Be it further resolved: That this advance shall bear interest at the rate of five per cent. per annum.”

The original sum in the Estimates, Sir, was £5,000. When that sum was first put up it was thought that the bridge would be a reinforced concrete bridge. The Town Agents' Chief Engineer suggested, and it was accepted, that the bridge should be a steel bridge and while this was being discussed at home, the Town Engineer obtained from the Harbour Works a boring machine for finding out what kind of foundation would be required to put up this steel bridge. The steel bridge was heavier than a reinforced concrete bridge and the foundations were taken down to fifty-five feet. In the new bridge for which the money is now a keel, there are 600 feet of reinforced concrete sea-wall and over 7,000 cubic yards of filling. The bridge is now braced by steel piles and it will be a great improvement to the best part of Lagos, close to Iddo. I will ask the Honourable the Treasurer to second the motion.

The Hon. the Treasurer:

I beg to second the motion.

The Hon. the Second Lagos Member:—

Is it possible, Sir, for the Honourable Member to give us an indication as to when that bridge will be completed?



The Hon. the Acting Secretary, Southern Provinces:—

I am told, Sir, by the Town Engineer that the bridge will be completed in about nine months.

The resolution was carried unanimously.

The Hon. the Chief Secretary to the Government:—

I rise, Sir, to move the motion standing in my name, but really on behalf of my colleague, the Lieutenant-Governor of the Northern Provinces, who, unfortunately is not present to-day.

“Whereas, by a resolution dated the 29th of July, 1924,
“this Council did vote a sum of £20,000 from the
“surplus funds of the Colony and Protectorate to the
“Kano Native Administration towards the cost of a
“pipe-borne water supply scheme which the latter are
“undertaking for the Town of Kano; and whereas, in
“the circumstances explained in the Governor’s
“despatch to the Secretary of State for the Colonies,
“No. 1152 of the 9th of December, 1926, published in
“Sessional Paper No. 2 of 1927, it is proposed to afford
“further financial assistance towards the scheme:—

“Be it resolved: That this Council approve the loan of a
“sum of £80,000 from the funds of the Colony and
“Protectorate to the Kano Native Administration, on
“the terms specified in the Governor’s despatch No.
“1152 of the 9th of December, 1926, in addition to the
“free grant of £20,000 already approved.”

Some of the Honourable Members of the Council will remember that £20,000 was voted by the Council unanimously in July, 1924. I do not imagine anyone now has the slightest intention of wishing to go back on that or of refusing the further sum which it is proposed we should lend. The £20,000 I may say, was a free gift.

I do not think I need dilate on the necessity and value of water for a large place the size of Kano, and even if there were no native city, I think we should be almost compelled, in view of the large and growing European and native element outside the town, to provide some amenities. However, the Kano Administrators are a progressive body and they are anxious to take the majority of this burden on their own shoulders and we are pleased that this should be so. Originally they were prepared to pay the whole of the £200,000 but circumstances have changed. They are becoming more alive to their responsibilities and their duties and they are embarking on schemes of considerable magnitude which will undoubtedly eat into their reserves to a large extent.

In the Sessional Paper the extent of their surplus balance at the end of March, 1926, was said to be £306,000. In the latest figures, the Estimate for the same Emirate I find is, estimated surplus, 31st March, 1927 (that is, this year), £294,000; estimated surplus same date next year £282,000, so that you see their surplus balance will be rather less next year than it is now. You might, therefore, say “Why should we lend money to a concern whose balance is going down?” In reply to that I may say that we have every hope that the surplus will be more than that estimated because their revenue is probably calculated on a conservative basis. I like to take a broader view than that, however. Here is an administration under our protection; we see them anxious for the supply of water, the benefits of which they are beginning to realise. I think it is for us as far as we can to lend them every help we can. Of course, there is the business side of this question. You will want to know, as business men, how this stands as a business proposition. It is all very well to lend money but what is the return going to be?

The arrangement is that they should pay us five per cent. interest from the day money is lent. They shall, within five years at latest, start a sinking fund, to which they pay two per cent. If they regard this money put up as a loan to themselves it is estimated that their revenue will be slightly under their expenditure. If, however, they do not regard the money they put up (£100,000) as loaned to themselves then the revenue will exceed the expenditure; but in any case the money we lend to them will be a debt of honour and the first charge on their revenue.

I am also advised that if they, after five years, create a sinking fund of two *per cent.*, they will be able to repay interest and capital to the Government in thirty-one years. I think this is an object which we ought to give our fullest support to. The Government realises that where possible, it is always its duty to provide water and other amenities, and we are doing so in certain parts of the Southern Provinces. In this case we are not called upon to bear the whole cost.

We do not know the exact cost of the scheme. The estimated cost at present is £200,000 of which the Native Administration will pay £100,000. We have given £20,000 and I now ask approval for a loan of £80,000 as stated in the Sessional Paper.

I will ask the Honourable the Treasurer to second the motion and the Honourable the Acting Director of Public Works will supplement my remarks with a few technical details.

The Hon. the Treasurer:--

I beg to second the motion.

The Hon. the Acting Director of Public Works:—

Your Excellency. The need for a water supply at Kano is, in view of its position as a big city and an important trading centre, probably more important than that of any other city in Nigeria; at least it was so regarded, and many efforts have been made to solve the difficult problems involved in getting an adequate water supply into the city. Every possible alternative has, I think, been investigated and a full report was sent home a year or so ago for the consideration of the Consulting Engineers. The two schemes which now hold the field are: (1) to draw a supply from the bed of the Challowa River some eleven miles from Kano and pump the water to Kano, and (2) to devise a gravitation scheme from the Morashi River some forty-six miles from Kano.

The cost of the first pumping scheme is estimated at approximately £200,000, probably less, while the Morashi River scheme of gravitation supply is estimated to cost some £300,000 and may probably cost more.

It is the vast difference in the cost of these two schemes which leaves the question in doubt, but from information now available to the Consulting Engineers this will enable a decision to be made during the remainder of the present calendar year, and we hope a start will be made with the scheme.

The figures I have quoted are exclusive of the Consulting Engineers' fees and possibly certain further items of expenditure. The Kano Administration may be faced with a much greater expenditure than £200,000, but the need for water is imperative.

At the present time the difficulty is very acute owing to a bad rainy season last year, and not only are the people only able to obtain water with great difficulty, but a good many industrial works, including the Public Works Department building programme, have had to stop during the past month.

The Hon. the Member for Calabar:—

Is there any particular reason why the rate of interest should not be embodied in the resolution? In the case of Lagos town . . .

His Excellency:—

None whatsoever. This resolution merely quotes the despatch and I think the figure should be inserted. The Government will accept that amendment.

The resolution as amended was adopted unanimously.

The Hon. the Chief Secretary to the Government:—

I beg, Sir, to move the following resolution standing in my name:--

Be it resolved: That the Supplementary Estimates for 1926-27, which I have laid on the Table, be referred to the Finance Committee for consideration."

The Hon. the Treasurer:—

I beg to second the resolution.

The resolution was adopted unanimously.

BILLS.

THE POISONS AND PHARMACY ORDINANCE, 1927.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Postmaster-General, a Bill entitled "The Poisons and Pharmacy Ordinance, 1927," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE DANGEROUS DRUGS ORDINANCE, 1927.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Comptroller of Customs, a Bill entitled "The Dangerous Drugs Ordinance, 1927," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1927.

The presentation to the Council of the Townships (Amendment) Ordinance, 1927, was postponed.

THE NATIVE COURTS AND NATIVE AUTHORITY [EXTENSION]
ORDINANCE, 1927.

The Hon. the Attorney-General:—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to apply the Native Courts Ordinance and the Native Authority Ordinance to the Colony of Nigeria other than the township of Lagos."

This Bill, Sir, applies to the Colony other than Lagos, and is the Native Courts Ordinance and Native Authority Ordinance with the necessary modifications. The object is, generally speaking, to enable the inhabitants of the Colony to participate in those measures of self-government which are now enjoyed by the inhabitants of the Protectorate. If the working of the Ordinance proves successful there will have been laid the foundations of local administration, capable of receiving and expending a portion of the taxation levied. It is to be observed that both the Native Courts Ordinance and the Native Authority Ordinance are 'enabling' Ordinances. The Native Courts Ordinance enables the Government to appoint Native Courts, and the Native Authority Ordinance enables the Government to appoint Native Authorities. Further, the Native Courts Ordinance enables the Governor, in appointing the Courts, to lay down and limit the powers which the Court shall exercise and that is exercised by the warrant constituting the Courts. It is intended that any Native Court which may be created in the Colony shall, at any rate in the first instance, have very limited powers; in fact the chief powers which they will exercise will be in regard to questions of dowry and inheritance, and I think it must be generally agreed that such questions are more properly dealt with by a native tribunal than by any other tribunal. All decisions of Native Courts will be subject to review by a Commissioner of the Supreme Court. I beg, Sir, to move that the Bill be read a second time.

The Hon. the Acting Secretary for Native Affairs:—

I beg, Sir, to second the motion for the second reading of the Bill. In so doing my difficulty is not so much to justify the introduction of this measure to-day as to explain why it was not introduced many years ago. It seems an illustration of the experience that falls to all of us that frequently the things under one's nose are neglected in favour of things that can be seen at a distance in a wider perspective. It may be that so much attention has been directed to the activities of the Lagos Municipality on the one hand and to the development of the Protectorate and the politics of the Native Administrations on the other hand that the back blocks of the Colony have suffered considerable neglect.

That is a position which I do not think can be denied. Another cause that may have contributed to this position is that during the war the Colony Districts, owing to the shortage of staff, were neglected, and it was impossible to undertake measures of administrative reform which can be put forward with greater ease

to-day. Therefore we must look on this Bill as an attempt, a belated attempt, to fill the gap in the process of self-government which has been going on for the last twenty-five years throughout Nigeria, and to try and bring the back blocks of the Colony—the rural districts—into the general stream of progress. Before going further, there is one point I want to make and that is that this Bill originated independently of the proposal to introduce taxation into the Colony. It is quite true that the introduction of taxation is an added argument and an additional motive for introducing this present Bill, but the introduction of the Native Courts and Native Authority Extension Bill would have been proposed to this Council even if no question of introducing taxation had arisen.

The main object, as I have said, is to enable the rural districts of the Colony to share in the general development of local Government that has already been exemplified in the Protectorate. In describing what the Government means by the development of local self-government I venture to read an extract from a report on the British Cameroons for 1925, which was presented last year to the League of Nations; an extract which expresses the policy of the Government in these matters for Nigeria as well as for the Mandated territories. The policy is stated in these terms:—

“ If the ultimate object, however remote, of the government of backward races is to raise them to a state of civilisation in which they can stand alone, it is evident that they must be provided with a governmental machine with the control of which they themselves can be associated in an ever increasing degree. If the machine is capable of being manipulated only by foreign hands, the withdrawal of outside assistance will speedily bring it to a standstill.

“ The evolution of indigenous institutions, in the sense contemplated above, does not mean that those institutions are to be allowed to grow unchecked and uncontrolled. It implies close and continuous direction, supervision and guidance by administrative officers. It implies repression and excision of abuses. European standards and methods must be introduced in the form and measure in which they can profitably be grafted on to the pre-existing stock.”

Now that declaration of policy is fundamental. It rests on the belief that it would be unfair and wrong to the people of a great Dependency like this if they were not allowed to take their proper share in the administration of their local affairs. It rests on the belief that if the people of this Dependency are to be associated in the fullest degree with such matters it must be through the medium of their own institutions, and we cannot ask them to participate in the manipulation of institutions which are purely alien, brought in from outside, and which have no roots in the country itself. If you ask for a concrete illustration of that policy, you have only to look at the Native Administrations as they have been developed in the Protectorate for the last twenty-five years: Native Administrations, which to-day are not only administering justice but which are policing their own territories and which are responsible for law and order in the first instance and which have contributed in a very large degree to the material development of the areas entrusted to their charge. I do not want it to be supposed that if Native Courts and Native Authorities are established at Badagry and Epe, Badagry and Epe are at once going to rival Ibadan and Kano. The Native Administrations of the Protectorate exhibit the widest possible diversity; some, at one end of the scale are highly organised, as for instance, those at Abeokuta, Ibadan, Kano and Zaria. At the other end of the scale are primitive communities, the management of whose affairs for the time being is largely vested in the District Officers. But in all cases the principle is the same. Even in the most primitive communities the germ of self-government is present. It is the experience of all District Officers that nothing tends to stimulate local interest and local patriotism and local responsibility so much as the knowledge among the people of each area that they have some voice in the management of their own affairs, in the administration of justice within the area, and in the administration for local objects of funds locally collected. In the terms of the dry bones of the law the three legal instruments by which this policy is carried out are: The Native Courts Ordinance, the Native Authorities Ordinance, and thirdly the Native Revenue Ordinance. For the moment, as Your Excellency has explained

in your Address to the Council, the third of these instruments cannot be placed at the disposal of the Colony. It is not proposed to extend the Native Revenue Ordinance to the Colony and in the Bill which is to be introduced later in this meeting it is not even proposed that in those portions of the Colony which lie outside the municipality the Native Authorities should receive any share of the taxes. The reason is obvious. You cannot put the cart before the horse. At the present moment there are no Native Courts and no Native Authorities which could make use of local funds. Your Excellency has stated that the effect of this measure in the first instance will be experimental and educative, and if it succeeds, the second stage will be to devote a portion of the General Tax collected in the rural areas to bodies which will approximate in some measure to the Native Administrations of the Protectorate, whatever name may be given to them.

Turning now to possible objections to the application of the Native Courts Ordinance to the Colony—it may be asked; why, in a Supreme Court area, should you trouble to introduce Native Courts? The answer to that is simply this. Looked at from the point of view of the Supreme Court it is obviously absurd that the Supreme Court should be encumbered with a mass of petty cases, many of them of a character which can far more efficiently and easily be dealt with by persons who are thoroughly conversant with native custom and tribal affairs. I refer particularly to those cases which the Honourable Attorney-General mentioned—cases connected with dowries and other matrimonial matters, and with inheritance.

The second answer is this. It is proposed to do here as we do in England—that is to say to enable persons duly qualified on the spot to take a share in the minor administration of justice. It is to be precisely the same here as in English boroughs, where you have borough magistrates sitting in petty sessions, and in County areas where you have magistrates sitting in quarter sessions. It does not imply any disrespect to the High Court in England that minor cases are dealt with by persons who have not received any legal training but who have been born on the spot and are acquainted with local affairs. That will be the position when you have Native Courts operating in the Colony. Not only that. It must also be remembered that the Supreme Court and the Native Courts will have concurrent jurisdiction. There is nothing to compel an applicant to go to the Native Court if he prefers the Supreme Court. Both are open to him and, as the Attorney-General pointed out, every case, whether civil or criminal, tried in Native Courts will be subject to review by a Commissioner of the Supreme Court who has power to interfere with the finding, to quash it, alter it and, if he wishes, transfer it for re-trial to his own Court.

Going on next to the Native Authority Ordinance, that is the Ordinance which enables executive powers to be conferred on persons who are duly qualified to exercise them. I imagine, in the first instance, that the Native Authorities in the Colony will be the Native Courts. That, however, is a matter of detail which can be dealt with later in the debate, but what is most important to remember is that this Bill which is before you to-day is in its provisions purely permissive. It merely seeks power to create Native Courts and Native Authorities. It does not lay down any particular places in which Native Courts will be created or what kind of Courts will be brought into being. In actual fact, as the Attorney-General has pointed out, it is not proposed in the first instance to create any Courts except those with extremely limited powers: those that are known usually as "D" Grade Courts. No doubt such Courts will be established at Badagry and Epe and possibly also at Agege and elsewhere. Those are matters of executive detail which, no doubt, the Lieutenant-Governor will deal with later on.

Finally, I do ask Honourable Members, and particularly Honourable African Members to consider very carefully what arguments they are going to use in opposition to this Bill. I am speaking particularly of those members who are definitely opposed to it. There are arguments of a kind which are apt to recoil on the heads of those who make them. I hope when I say this that I shall not be accused of making merely a debating point. I cannot resist reading an extract from a Petition which has been

laid on the Table this morning where reference has been made to Native Courts "to be presided over by a horde of illiterate "Warrant Chiefs" or headmen revelling in crass ignorance and recruited from a miscellaneous class of persons who, being neither the natural rulers of the country, nor the popular choice of the governed, will now, for the first time in the hoary antiquity of the political history of this Colony and this country, be vested with plenary judicial powers and a political status as arbitrary as it will be hybrid"

I will not deal with the obvious inaccuracy of the reference to a "court vested with plenary judicial powers." It is not suggested that any Court at Badagry will have power of life and death. What I am mostly concerned about is the picture that is drawn in this manifesto of a Native Court. I wonder whether the Honourable Member for the Egba Division thinks that it is a true portrait of what goes on in Abeokuta, or whether the Honourable Member for the Rivers Division is delighted to hear that that is the impression created by the Native Courts at Opobo? I should be very sorry to think that that kind of picture is to be presented to the inhabitants of Badagry and Epe and I would ask those Honourable Members, especially those associated with this manifesto, to consider what they are doing if they are going to stand up in this Council and say that their fellow Africans—for this is a manifesto written I presume by Africans about their fellow Africans in the rural districts of the Colony are not fit to take part in the most elementary administration of justice and that they are not fit to be associated in the smallest degree with local self-government. I would ask them whether they are going to stand up and deny to those men the opportunity of taking part in the stream of progress which has already achieved such notable results in the Protectorate. (Applause.)

The Hon. the First Lagos Member:—

Your Excellency, I have listened very attentively to the speech of the Honourable Attorney-General and the very interesting and able speech of the Honourable the Acting Secretary for Native Affairs. But I must confess that I am still unconvinced of the necessity for this measure. I understand from the speech of the Honourable the Secretary for Native Affairs that the real reason why this Bill has been introduced is to train the African himself in self-rule and therefore some measure such as this must be taken, but I say, Sir, it seems to me to be beginning at the wrong end, to train the African in self-rule by allowing him to have the administration of justice. The Honourable Attorney-General seems to forget that one of the things which has made British rule popular in this country is its administration of justice, and that the proper administration of justice was not gained in a year or even in a century. It was gradually developed, and how can you expect all that as far as Africans are concerned? And the Chiefs to whom you are going to entrust the administration of justice; they are not yet fit and they will have to learn what the administration of justice means.

The Honourable the Acting Secretary for Native Affairs has appealed to those who oppose this Bill not to get up and say in their view the Africans are not fit to govern, and he quoted some statements that have been made by certain people. I regret to say I do not agree with him. It is not casting any aspersion on the Native Courts for us to get up in our places here and say that from the point of view of most Africans the Chiefs are not fit to administer justice. It is our duty to voice the feelings of others.

Last Session, Your Excellency, the Honourable Member for Calabar got up in his place and submitted a motion to this Council in which he criticised the methods adopted for the administration of justice in the Provincial Courts. He had not many supporters and he did not press his motion to a Division. Why? Simply because he knew it was bound to fail, and those of us who did not support him did not, not because we did not think the picture he was drawing was not correct, but because we felt it would be useless to support the motion as it would not be passed. This is quite another thing. When you are trying to enact an Ordinance for depriving persons of certain rights and privileges which they have hitherto enjoyed under the administration of the Supreme Court and are bringing Native Courts into creation it is high time for us to get up in our places and decry the measure.

The Honourable the Secretary for Native Affairs mentioned that anyone who liked could still take his matters to the Supreme Court, and I can assure him that in practice it will never be so when once this measure is enacted. When once this measure is enacted the native would be compelled to go to the Native Court, and I very much doubt whether they would understand that they have an alternative choice—the choice of going either to the Supreme Court or to the Native Court. I say, Sir, that if it will be open for a native either to go to the Native Court or the Supreme Court there does not seem in our opinion any necessity for the passing of this Bill.

I may mention in passing that no doubt what you want is all very good, but from my own point of view I think what you really want is to educate the natives as much as possible—to diffuse education very widely—and I say to-day that the question of self-rule will then in due time come up. But if you begin by giving the native chiefs the administration of justice I say you are beginning at the wrong end.

In my career as a legal man I have had some experience of these Native Courts. Now there was a time when decisions of the Native Courts were often brought before the Supreme Court and in ninety-nine cases out of 100 you will find that those decisions had to be reversed; you cannot blame the natives, they simply cannot give proper decisions. The Honourable the Acting Secretary for Native Affairs has mentioned the similarity between the magistrates in England and the native judge in the Native Court, and with all due respect to him I say that comparison does not apply. Even though they are not qualified lawyers those magistrates have a sense of justice and are educated men who have been trained to know what justice means. You cannot apply that analogy to this case and say that because in England such a thing is done therefore it can be done in bush places such as Badagry and Agege.

Sir, I have said before that it would be a very great mistake if you allow this measure to pass and this is why African Members do oppose this measure. They are not doing it from any motives of self interest. It must be admitted that at some time or other we do hope that self-rule will come and that our chiefs, when they are properly qualified will be given the right to examine cases and to exercise powers over their followers. But the time is not yet ripe for that, and I am supported in that by the petition which has been laid on the Table of the Council by the Badagry Chiefs. The application has been laid on the Table and honourable gentlemen will see that those chiefs, for whose benefit this measure is intended, are opposed to it, and it would be interesting to know what in certain cases in places like Ibadan and Abeokuta the reply would be if you asked the natives: "Would you rather continue the existence of the Native Court, or would you rather be passed on to the Supreme Court?" No good will come out of it, and I make bold to say that in ninety-nine cases out of 100 they would prefer the jurisdiction of the Supreme Court. Those chiefs who have sent in that petition are speaking for their fellow men when they say they would rather be under the jurisdiction of the Supreme Court than the Native Court. For this reason I beg to move that this Bill be read this day six months.

The Hon. the Member for Calabar:—

Your Excellency. In supporting the motion of the Honourable the First Lagos Member, I would explain to Honourable Members of the Council my objections in connection with this Bill and why I feel I must oppose it. Now I believe it is stated by the Honourable the Acting Secretary for Native Affairs that the Government is only anxious to assist the natives of this country in what they call the Native Courts and Native Authority Extension Ordinance. They are not doing anything of the kind. As a matter of fact these Courts are not controlled by the Chiefs, I mean the so-called chiefs, but by the District Officers, and if you want a Native Court presided over by an Englishman or a European, do so at once, but do not do it in an indirect way. I am going to quote a case as an illustration.

Not very long ago at Owerri, seven people were brought before the Native Court for not doing some kind of work, and the District Officer whose name was Mr. Jackson, went to Court, sat there as a judge, decided the case and sent the people to prison for two weeks. The people were marched to the prison, and when

their wives tried to get food to them, some were arrested and charged and were fined the sum of two pounds each. Later on the matter was sent to the Senior Resident at Port Harcourt, who took his car to Owerri, investigated the matter, and a few days afterwards the same matter was brought before the same Native Court to be retried. The Chiefs said "But this matter has been tried by the District Officer, who constituted himself judge and tried the case. Why should it go on again and who was going to prosecute?" They dismissed the case and what happened? These same Chiefs were brought up before the Provincial Court, whether on the authority of the Resident I do not know, but each of those Chiefs had to pay the sum of £50. They sent a petition to the Resident and I am not prepared to say what the Resident said, but later on when I saw the Resident he told me that if a mistake had been made it should be at once corrected. In any case the matter came before the Chief Justice, and a sum of £200 was refunded. This is the Native Administration in the Eastern Division of the Southern Provinces and if you are going to extend the Native Courts and Native Authority Ordinance to the Colony of Nigeria, that will not be an isolated case. The Political Officers also will tell you so. I am not going to say they are all bad; some of them are very truthful, very polite and very kind and I am very happy to say that there is one of this type here to-day in this Council. (Hear, hear.) I am always anxious to meet these people and support them, but the vast majority of them have the idea that when once you are created a political officer, your duty is to rule, no matter whether rightly or wrongly.

Now, the Honourable the Acting Secretary for Native Affairs seemed to have the idea that because a man gets up in this Council and points out that some of his own people are not doing the right thing, he is therefore obstructing the progress of his own people; he is making a mistake. Speaking for myself I must admit I am not a hero worshipper and the more I see of some of them the less I respect them. If a man is doing the right thing no matter whether he is your countryman, whether he is a white man, a red man, a green man or a black man you respect him, if he is doing the wrong thing you criticise him. This is the policy which I believe the English people have acted upon and on which they have made such a great name in the whole of Africa, and if that is going to be carried out in Nigeria how can you say an African cannot get up and say his brother African is or is not doing the right thing. I give up this administration altogether. We are all anxious to see the African progress on his own lines, but it must be on his own lines. The Honourable the Attorney-General who was at one time at the Gold Coast with me knows that there is an appeal from the Native Courts to the Supreme Court and because there is an appeal the Courts are very careful how they come to a decision because they know there is someone who will go into the matter carefully and say whether they are right or wrong.

In Nigeria there is no such appeal. A District Officer takes up a book, looks at it, confirms it; and when you take into consideration the fact that most of these people except the clerks are not educated—at least only half educated—and that the proceedings are taken in English by a native clerk speaking their own language, it is very very difficult for District Officers or Administrative Officers to say whether the clerk actually got a record of what the people really did say, and for that reason there must be an appeal. If you are going to have Native Courts at all things must be thoroughly investigated to satisfy conscientious people that the right thing has been done. Also if you are going to have the Native Authorities Ordinance I say it is not the right way to do it. Have rather a Native Jurisdiction Ordinance. You cannot tell the people that their natural ruler has no real or judicial functions, but as a matter of fact they can snap their fingers at the natural rulers without any fear of having their heads cut off, and then you turn round and say "respect native authority." How are you going to create respect for native authority, if the natives have not created it for themselves? I think the best way to ask the people to progress is to allow them to progress on their own lines, and for that reason I second the motion made by the Honourable the First Lagos Member.

The Hon. the Second Lagos Member:—

I rise, Sir, to endorse everything that has fallen from the lips of the Honourable the First Lagos Member and of the Honourable

the Member for Calabar. In the excellent speech of the Honourable the Acting Secretary for Native Affairs he quoted some extracts from a report on the Mandated Territory, I believe, Sir, of the Cameroons and I believe there was some suggestion that the policy which has been found successful in meeting the demands of that territory should be made to apply here. I have no legal training, Sir, but I have always been under the impression that the constitution under which a mandated territory is governed is altogether different from the constitution under which a Colony is governed.

In the Colony, for instance, Sir, we have a definite prayer from Badagry, an important Division of the Colony, that they should not be brought under the Ordinance, and it is very significant, Sir, that that petition was got up at the instance of the Chiefs. If Your Excellency will refer to the petition you will see that the mass meeting which adopted the petition was called by the Chiefs themselves, and if the people on whom this authority is to be invested object to it, what guarantee have we got, Sir, that when they do get it thrust upon them, they will not abuse it under the excuse that they did not want it and don't know how to use it.

The Honourable the Acting Secretary for Native Affairs has appealed to those of us who will vote against the Ordinance. I am taking this opportunity of appealing very seriously to those who will vote in favour of the Ordinance, because although it is intended to maintain native institutions as far as they can be maintained, yet we have instances where it would appear to us that those institutions are only supported when they suit the convenience of the Government.

It is unfortunate, Sir, that I cannot quote instances in support of my statement because some of the cases are still *sub judice* but I may at a subsequent meeting of the Council be able to do so.

The Honourable the Acting Secretary for Native Affairs also compared the minor cases tried in English boroughs, and he is inclined to favour those conditions here, but I wonder whether he himself if he happened to be working in any of the districts, would willingly submit to the jurisdiction of any of those Chiefs? He said also, Sir, that one of the statements in the manifesto did not do credit to the intelligence and integrity of some of the natives of this country but if Your Excellency will refer to that petition you will see I referred to the names of certain Chiefs who hold power in some of these districts and whose records are very doubtful. The Government have admitted that even convicts need not be excluded from becoming Chiefs, and it is obvious, or rather it is difficult to believe, that a convict would have sufficient integrity to exercise that justice which will be required, even though that justice is to be meted out only to Africans.

Referring again, Sir, to the analogy which the Honourable the Acting Secretary for Native Affairs has made between the Courts in English boroughs and the Native Courts here, I am not sure whether solicitors will be admitted or be allowed to practice in the Courts here, as they are allowed to practice in English boroughs, but I am under the impression that they will not, and in that case I fail to see how such an analogy could be made. With these few remarks, Sir, I beg to support the amendment of the Honourable the First Lagos Member that this Bill be brought up this day six months.

The Hon. the Third Lagos Member:

Your Excellency, I rise to support and endorse all that has been said by the Honourable Member for Calabar, also the amendment moved by the Honourable the First Lagos Member to the effect that it is suggested that this Native Court Bill which is now to be enacted into law be set aside for the time being until the natives themselves have been so trained and made to understand what is meant by sitting at the head of a Court over which justice is to be administered, and also that the natives who are brought before them should be allowed to state their own affairs in their own native fashion. I think, Sir, that just now, the inhabitants of the Colony are not prepared to accept that Bill and the constituents who are responsible for my presence here have asked me to support the amendment which has been moved by the Honourable the First Lagos Member that the Bill be set aside until this day six months. Further they petition Your Excellency that a deputation might come forward to Your Excellency to show you that

they are not as yet prepared for the establishment of Native Courts in their various districts. In view of that, and of all that has been said, Your Excellency, I beg to support the motion of the Honourable the First Lagos Member that the Bill be set aside until this day six months.

The Hon. the Chief Secretary to the Government:—

Sir, I shall be very brief in my remarks, but I was struck with the remarks of the Honourable the First Lagos Member. He said we were starting at the wrong end; that we must educate the people before we give them the power of native administration. I disagree. I am perfectly certain that a sense of justice is implanted in the breast of the most humble and perhaps the most degraded of all savages, and I am not one of those who believe that the higher the degree of the Court, the greater justice you get. I am perfectly satisfied that in the cases which it is proposed should go into these Courts, the people who will deal with them will be perfectly competent to deal with them. They will know the mentality of the people, and if you decide by your vote not to pass this Bill, you are saying to your African friends and brothers: "You are in ignorance; you stay there." I hope you will seriously consider this responsibility before you do so.

The Hon. the Member for the Colony Division:—

Your Excellency. As regards the measure that it is proposed to enact, I would refer to the remarks of the Honourable the Attorney-General, and if it is the intention to place a safeguard to the Native Courts Ordinance and to limit the sphere of operations of the Chiefs to the cases of dowry and to cases of inheritance, I have no objections to the measure, none whatsoever. But I cannot help saying this; that if you take away from the people of Epe, the people of Ejinrin and the people of Badagry what they have been accustomed to for the past sixty to seventy years, namely the administration of the Supreme Court, I say it is a retrogressive step. (Hear, hear.) You may say what you like, but there is nothing sweeter to the African mind than the administration of justice (Hear, hear). If you limit the sphere of action of those Courts to those cases of dowry and inheritance only I have no objections whatever. We have to begin at some time or other. But to refer to our Chiefs: I am not sure at all that in those places you will find a body of men capable of administering justice. I am not running down my countrymen at all, but I am certain you will not find at Badagry the class of people to whom you could safely entrust the administration of justice, and I am equally certain that you will not find such at Epe and Ejinrin. Epe and Ejinrin have very mixed populations; whom will you call Chief there? A man who comes down to trade and becomes prosperous may to-morrow become a Chief, but he has no interest whatever in the country. I think we should be very cautious in extending the application of this Ordinance to those places. I am not prepared to leave matters as they are now. If it is intended to force this measure on I will support it if we may rely on the remarks made by the Honourable the Attorney-General that the sphere of these Courts will be limited to the cases indicated. (Applause.)

The Hon. the Commercial Member for Lagos:—

Sir, I don't propose to make a speech, but I should like to say that I join in the opposition to this measure. I cannot claim to speak with the same degree of authority as others have spoken because my activities are confined to Lagos, but it seems to me that this legislation is unnecessary and uncalled for, and I cannot see that any evil exists that it is going to overcome. I think we had better continue with the administration of justice which we have at present, and for that reason I oppose the Bill.

The Hon. the Attorney-General:—

Sir, in replying to this motion which has been moved by the Honourable the First Lagos Member that the Bill should be deferred for consideration to this day six months, there are a few points that I wish to deal with in the speeches that have been made. The most important, I think, is the question which has been raised as to the jurisdiction which will be conferred upon Native Courts in the Colony if they are created. I stated, in moving the second reading of the Bill that it was intended in the first instance that the jurisdiction should be very limited and that in the main the Courts would be entrusted with the trial of matrimonial cases and cases of inheritance.

Now, Sir, I have your authority for giving a pledge that if this Bill is passed, Native Courts which may be created in the Colony will be given no criminal jurisdiction, at any rate at first, and their civil jurisdiction will be limited in ordinary matters to claims of £5, and in matrimonial cases, cases of dowry and inheritance, to claims of £25. That is a very limited jurisdiction, and I hope that Honourable Members will feel that this is a jurisdiction which can safely be entrusted to Native Courts. There seems to be a feeling in the minds of Honourable Members of the Colony Division that if this Bill becomes law, the jurisdiction of the Supreme Court will be taken away. The Honourable the Acting Secretary for Native Affairs, in seconding the second reading of the Bill, was careful to emphasise that that jurisdiction will not be taken away, and I wish again to emphasise that the jurisdiction of the Supreme Court will remain and will not in any way be diminished.

In that connection I should like to say that the Chief Justice himself is in favour of the introduction of Native Courts in the Colony outside Lagos.

The only other point that I need deal with is the point raised by the Honourable the Member for Calabar that in the Gold Coast there was an appeal from Native Courts to the Supreme Court, whereas here there is none. It is really a distinction without a difference. There is the power of revision of Native Court cases in Nigeria by a Commissioner of the Supreme Court and if you say that that review is not always carried out as it should be, that is not the question. The power is there and it is the equivalent of the power to appeal.

I hope, Sir, that with the pledge I have given as to the very limited authority which will be conferred upon these Courts, Honourable Members will find they are able to accept the Bill.

His Excellency:—

I will now put the amendment proposed by the Honourable the First Lagos Member that the Bill be read again in six months time. Will those in favour of that amendment say "Aye," and those against say "No."

The votes of the Unofficial Members having been taken:

His Excellency:—

One moment. Are the Unofficial Members unanimous?

Clerk to the Council:

Yes, Sir.

His Excellency:—

In that case I will hold the Bill over and will place the arguments of Honourable Members before the Secretary of State. I do not propose to go any further into the matter at present.

NATIVE REVENUE (AMENDMENT) ORDINANCE, 1927.

The Hon. the Attorney-General:—

I rise, Sir, to move the second reading of a Bill entitled an "Ordinance to amend the Native Revenue Ordinance, 1927." Concurrently, Sir, with the publication in the Gazette of this Bill, the announcement was made that from the 1st April next year it was proposed to apply the Native Revenue Ordinance to the Provinces of Calabar, Ogoja, Onitsha, Owerri and Warri, that is to say all the remaining Provinces of the Protectorate in which it is not already applied. Power of extending the application of the Ordinance is now vested in the Governor-in-Council by Section 1 of the principal Ordinance. The extension of the Ordinance to so many Provinces at the same time, however, Sir, is a matter of such importance that Your Excellency has decided that it is a step which should only be taken with the advice and consent of the Council and should be made the subject of direct debate herein. I shall accordingly move, when this Bill is in Committee that a clause be inserted amending Section 1 of the principal Ordinance so that it will read:

"This Ordinance may be cited The Native Revenue Ordinance and shall apply to the Protectorate, including the British Cameroons, but not to the Colony."

The actual effect of that amendment will be to extend the Ordinance to the five Provinces I have already named; for convenience we may perhaps call those Provinces the hitherto untaxed Provinces. In your last Annual Address, Sir, you explained at some length the reasons for this proposed extension and foreshadowed the benefits which, it is hoped, will follow from it, and the Honourable Member who will second this motion will deal more fully with this aspect of the question. I therefore pass to explain a further amendment which I intend to move in the Committee stage of the Bill. Clauses 4, 5 and 6 of the principal Ordinance lay down somewhat elaborate methods for assessment of taxation. When this Bill was first drawn up it was thought that those methods would not be capable of being carried out in the, at present, untaxed Provinces. Consequently a clause was included to provide for the levying of the tax at a flat rate. Further enquiry, however, has shown that the difficulties are not insurmountable and that it will be possible to carry out the assessment in all Provinces in the manner prescribed in Clauses 4, 5 and 6 of the principal Ordinance. It is therefore proposed that the new suggested Clause 6 (a) should be dropped, and I shall move the appropriate amendment when the Bill is in Committee. I feel sure that all Honourable Members will agree that in a matter of this nature it is undesirable that there should be any differentiation between the different Provinces unless it is really necessary. In addition to the matters I have already mentioned the Bill proposes two amendments of less importance to the principal Ordinance. Section 10 of the principal Ordinance lays down the duties of district headmen and Section 12 lays down those of village headmen, but neither of those clauses prescribes any penalty for failure to carry out their duties. Clauses 3 and 4 of the Bill propose to add suitable penalty clauses to Sections 10 and 12 of the principal Ordinance.

In moving this motion, Sir, I have taken the unusual course of explaining at some length the amendments which I propose to move in Committee. I have done so because the clauses affected by those amendments are really the most important in the Bill. I beg, Sir, to move that the Bill be read a second time.

The Hon. the Acting Secretary for Native Affairs:—

Your Excellency, I beg to second the motion of the Honourable the Attorney-General. I do not think any Honourable Member can say that this measure comes before the Council as a surprise. Everybody has known for years past that the extension of taxation to the Eastern Provinces was inevitable and I should imagine that the inhabitants of the Eastern Provinces have many times heaved a sigh of relief that the introduction of the measure has been so long deferred.

It has been deferred for a variety of reasons, one of them being shortage of staff, the staff only recently having been brought up to something approaching full strength, and you, Sir, in your Address to Council have explained that it is unthinkable that, now that taxation has become practicable in these Provinces, we should continue to acquiesce in the position in which we now stand, a position which compels the inhabitants of Kano and Ibadan to pay taxes while the people of Owerri and Calabar escape scot free. That is a position which obviously cannot be continued, and the time has now come to bring it to an end.

But there is a very great difference in the manner in which this extension is being effected as compared with the extension of taxation hitherto. As you are aware, under the Ordinance as it stands to-day, it is possible for the Governor to extend the provisions of the Ordinance to any area hitherto untaxed without consulting this Council, merely by an Order-in-Council. That procedure has been followed in the successive applications of the Ordinance to the Southern Provinces, beginning with the Yoruba Provinces of the west, and the subsequent extensions to Ondo and Benin. But it has now been decided that as no such great extension at one time has ever been effected before, it is only fair to this Council that the application of the Ordinance to the five hitherto untaxed Provinces should be the act of the Legislature itself, and it is on that account, as the Honourable the Attorney-General has explained, that it is proposed to amend the first section of the Ordinance in such a way as to abolish the necessity for resorting to an Order-in-Council.

The second point I have to make is that this is not primarily a revenue-raising measure, but in saying that I do not want to put the Government on too high a plane. No Government is averse from raising revenue and this Government is not going to apologise because it has been unable to devise a system of taxation from which it itself can derive no benefit. If I indulged in any quixotic arguments of that kind, my honourable friend the Treasurer would, I am convinced, arise and denounce me for employing disingenuous sophistries.

The main object of the Bill is to confer on the hitherto untaxed Provinces the benefits which, as experience has amply shown in the rest of the Protectorate, arise when the people of the country have a voice in the expenditure of funds to which they themselves have contributed. I have already dwelt, to some extent, on that point in seconding the second reading of the Native Courts and Native Authority Extension Ordinance, and I do not want to elaborate it too much again. You, Sir, in your Address have quoted Sir Frederick Lugard, who stated that: "Without a tax there can be no treasury, and without a treasury no real eventual measure of self-rule." Now those of you who have been long enough in the country to go back to the time before the institution of native treasuries can remember quite well in what an extremely modest and unpretentious way they began. Speaking for myself of what I remember of the beginning of native treasuries in the Northern Provinces, they were at first very badly off. It was all they could do to pay salaries, and no schemes of material development entered into their minds at all, chiefly for want of funds.

To-day what do you see when you go to Ibadan, Oyo, Kano, Zaria and Abeokuta, and all the large and wealthy administrations? You see much material development going on in which the people and the Chiefs of the country have got a direct interest. They know perfectly well that the money which has been spent on that development is money which they themselves have contributed. They have reached such a point that now to some of the more progressive Native Administrations officers of the Public Works Department are seconded in order to enable them to carry out more efficiently the schemes they have in view, and it is the usual experience of administrative officers in these Provinces that nothing tends to create a sense of responsibility on the part of the Chiefs on the one side, and nothing tends to create local patriotism so much as the knowledge that the money the people are contributing is being spent on objects from which they derive benefit. Now those are the benefits which it is hoped that the Eastern Provinces will in time derive. As I said earlier this morning, in the activities of Native Administrations there is almost endless diversity. You cannot expect in Ogoja and Awgu to get in a moment the same thing as you are getting in Kano, Oyo and Ibadan.

One of the difficulties on the eastern side of the Niger and to some extent in the Warri Province is the relative absence of cohesion among the people and the absence of really important paramount chiefs ruling over large tracts of country and large numbers of people, but we have created Native Administrations and Native Treasuries in other parts of Nigeria which are not dissimilar from those of the Eastern Provinces, and it is the almost invariable experience of administrative officers in such areas that as soon as you create a Native Administration, when you begin to instruct the native Chiefs in the collection of taxes, still more when you begin to instruct them in profitable methods of spending, that a feeling of cohesion tends very surely, if slowly, to arise. It means that you have to bring together Chiefs who hitherto may have been at war with each other; you have to bring them into touch with each other to discuss how those operations which affect their various districts can most profitably be managed, and it is no exaggeration at all to say that the institution of taxation in such areas is in itself an instrument which promotes further development of the cohesion of the community itself.

Now I am sure, for instance, the Honourable Member for the Egba Division could speak with great eloquence concerning the success that has attended the development of Native Administration in Abeokuta, and I hope the Honourable Member for the Rivers Division, who, if I remember rightly, at the last meeting of the Council twitted Government for not having done all it could for Opobo, will also welcome the institution of a Native Administration in his Division. I am sure it will be a matter of satisfaction

to him, when taxation has been introduced at Opobo and a treasury created into which fifty *per cent.* of the proceeds will be paid, to feel that he will be intimately associated with the control and expenditure of funds in the area over which he already has authority. That is a development to which I hope we can look forward at no distant date.

Finally, Sir, there is one point I should like to make and that is to dispel the feeling that has arisen probably through the insertion of a clause in the original Bill, a clause which it is now proposed to drop, that as soon as taxation is introduced in the Eastern Provinces it is going to take the form of a flat 10s. rate all round. I think the Honourable the Attorney-General's remarks have already dispelled that impression, but it is very important that it should not exist. We cannot say what rate will prevail because assessments have not yet been made, but I hope Honourable Members, especially those from the hitherto untaxed Provinces, will make it quite clear to those whom they represent that taxation does not mean that an administrative officer is going to march into every district and demand 10s. from each adult male. That will not be so. The rates which will be levied will depend on the assessments that have to be made. It is not anticipated that there will be a fixed level of taxation from Ogoja right down to Calabar. I therefore beg to second the motion. (Applause.)

The Hon. the Member for Calabar:—

Your Excellency. I rise to move that this Bill be adjourned for six months. I am not going to make a long speech except to say that the people who are going to be asked to pay this money have not had sufficient opportunity to understand the meaning of the Bill. Not only have they not been informed what it is about but in some cases where Unofficial Members have taken steps to inform their people the District Officers have tried to prevent them. I remember not very long ago—

His Excellency:—

That is rather a serious accusation that the Honourable Member is bringing. I think it is only fair to Government, if he knows of any specific instance of that having occurred, he should write to Government and the matter will be investigated.

The Honourable the Member for Calabar:—

I would point out, Your Excellency, that no attempt has been made to educate these people, and where it has been made the people who have done so have been called into question, and I think in a matter like this before Honourable Members make general statements they must have concrete cases, and when you point out concrete cases we shall know this matter has not been properly brought to the people. If this Bill is adjourned for six months the Honourable Member for the Rivers Division who is a paramount chief as well as being a Member of this Council, will go back and tell his people that although large sums of money have been got by the Government from revenue and that during the last four years money has been voted from revenue for improvements in Opobo Town, these improvements have not been carried out because the people have not been taxed. Such a position is untenable. For these reasons, I propose that the Bill be adjourned for six months.

The Hon. the Member for the Ibo Division:—

Your Excellency, I beg to second the motion that this Bill be read this day six months. I wish to do so particularly because I am a Chief myself and also because I come from one of those districts where the Chiefs are the Native Authorities. The Honourable Member who has just spoken has told you that the people in the Eastern Provinces have not had an opportunity of understanding the measure. First of all we heard that this taxation was going to be levied on male adults, that each male should pay 10s.; steps would have been taken to inform them and also to get their opinion on the matter. Subsequently we are informed that the Government have dropped that, and that there is likely to be something else. (The succeeding remarks of the Honourable Member were inaudible.)

His Excellency:—

Will the Honourable Member speak louder? I cannot hear him.

The Hon. the Member for the Ibo Division:—

I am sorry Your Excellency; I am trying to speak as loudly as I can. The Resident told us that the Government had dropped this 10s. rate and that there was going to be an assessment, and that probably some such system as exists in the Northern Provinces will be introduced. Well the people do not know that yet, and I have only a few days to come down to this Council. Consequently that is why I support the motion of my honourable friend Mr. Ata Amonu that this Bill be adjourned for the next six months to give the people a chance to know what it is about, and to form an opinion. I must say one thing in regard to the poll tax, that when I talked to the people about it there was not one soul who was for it; not one Chief either who was for it. Also I have a petition sent to me on Saturday last from Onitsha, which reached me here, in regard to the measure. However, I am not going to submit it because I have addressed you by letter on the matter through the post. Consequently I am glad to take this opportunity of saying something, otherwise I should not be true to my trust with regard to the petition. It is very true that there are some people here in this Council who are against it and on Saturday last I believe some people came from overland to protest against the measure, and an opportunity was given them to express themselves as the voice of their people. I wish to add to what I have said that the majority of the people are against it.

The Hon. the Member for the Egba Division:—

Your Excellency. It is not my intention to say a great deal about this Bill because the places to which it is proposed to extend this taxation are places I know very little about, places in the Eastern Provinces, like Calabar, Opobo, and Asaba. But I wish to express myself upon the principles of this Bill, Sir, and to say that I would strongly suggest to the Government to educate the people of the Provinces concerned on the question of raising revenue before thrusting this Bill upon them.

With reference to Abeokuta the mover of this motion properly referred to the state of affairs as most satisfactory, and I can tell him that there things have been going very well because the people have been instructed as regards the way of raising revenue and in the way of expending it. They have been raising revenue in Abeokuta for the Government in that way. They know how to manage their affairs and know how to arrange their expenditure, but there is one thing that should come before the Council, Sir, and that is that Abeokuta is not quite satisfied with the arrangement of paying fifty *per cent.* of the revenue to Government to spend! We have been putting forward schemes from time to time to this Council, and I believe I said to your illustrious predecessor that the people were quite satisfied. At the same time when he was here we used to collect only £27,000 in Abeokuta; eventually it went up to £29,000. Lately when the rate was raised to 10s. a head it has been £33,000. Of this sum we have only £16,000 to lay out

His Excellency:—

I would call the Honourable Member's attention to the fact that he is straying from the motion, but I can give him an assurance on the point he is raising. I have obtained the approval of the Secretary of State to raise the contribution paid to the Native Administration from fifty *per cent.* to seventy *per cent.* as from the beginning of the financial year 1928-1929. (Applause.)

The Hon. the Member for the Egba Division:—

I would like to express an opinion, but at present I am not in a position to say whether the increase in the revenue is, or is not satisfactory.

The Hon. the Member for the Colony Division:—

Your Excellency. I rise in support of the motion to pass this measure. I might remind my honourable friends across the room that they have been asking for this measure. Now they have got it. They are always complaining that too much money is being spent on Lagos. Now they are being given the opportunity of enjoying the benefits of taxation. It is the duty of every Government, Sir, to raise taxation for the benefit of the people. It is not a system we are ignorant of; it begins with the family life of

the people. The head of the family is responsible for the upkeep of the compound, and he is responsible for the food of the members of his household. To-day if the head of the family cannot supply these things he is packed outside and is scoffed at by the members of the family. Family life is no longer the thing it was in the old days. It is not a question of how much he is going to assess you as what you are going to pay. He may have a supply of yams; but there is a day when the stock is low. He does not say I want this or that; he may take the whole lot.

Consider the benefits you enjoy to-day, for instance the roads that are being made. Are these not benefits? You say you don't want to pay for what you enjoy, but these things cost money, and how is Government going to raise the necessary revenue? How can you expect to get those benefits when you sit down here and say you will not pay for them? I welcome this measure with satisfaction.

The Hon. the Banking Member:—

Your Excellency. From the remarks let fall by His Honour the Lieutenant-Governor of the Southern Provinces at the last meeting of this Council, I have gained the impression that he would have us believe that the payment of taxes was one of the joys of civilisation and a jealously-guarded privilege which he is now about to extend to a number of undeserving people in the Eastern and Central Provinces. Having had some experience of tax collectors in England, I am not prepared to share his enthusiasm with regard to the payment of taxes, but it is quite a platitude to say that taxation is as old as civilisation itself, and it is one of the adjuncts, if not perhaps always a pleasant adjunct, of civilisation.

If Government can show the people concerned that, firstly, they stand to gain material and social advancement from this Bill; if Government, as it already has done, can promise that they shall have some say in the spending of the taxes they pay; if Government can promise that the taxes will be borne universally and in an equitable manner, and if the raising of revenue has not been one of the main reasons, not the main reason, for the Bill; if Government can give some assurance that equivalent relief will be given to the extent of the tax given into the Exchequer, then, Sir, I fail to see how there can be any reasonable objection to this Bill. Port Harcourt which is the outlet for the products of the palm tree has shown very little progress in the amount of its exports during the last six years in spite of the enormous sums of money which have been spent on the development of the port and roads, railway, etc., in the interior. It may be, and I hope it will be, that this Bill will do something to remedy that state of affairs. It may be that we may here stumble across the secret that is agitating the minds of many of us and that is, of conserving the palm oil industry of the country. There is no doubt that the payment of taxes will bring people into closer touch with Government and is bound to affect educational work in connection with our premier product. Now that taxation is being extended to the whole of the Colony, I hope some effort will be made to create a uniform method of assessment. At present this differs very widely throughout Nigeria. I would take the commercial clerk as an example with which I am very familiar. In numbers he is not important, but he is important in that he is by no means inarticulate and has an influence out of proportion to his numbers. In Abeokuta now a clerk getting up to £100 a year pays an annual tax of £1. In the Oyo Province he pays £2 10s. A clerk getting £100 a year at Zaria pays £3 15s. per annum, while his colleague at Kano pays £1 17s. 6d. Now, Sir, it is extremely difficult to understand why, under very similar conditions there should be this extraordinary difference, and that sort of thing does not help to popularise—if one ever could popularise—the payment of taxes. The natural inference is that modes of assessment are by no means ideal, and that they are more or less haphazard, otherwise a man at Kano should pay the same as a man at Zaria.

The only doubt I have on the whole question is whether, at the present time, it is expedient to risk disturbances of which we have had experience at Abeokuta and Ibadan without giving the fullest publicity to the Government proposals and carrying out intensive propaganda which to my mind is all that is wanted.

His Excellency:—

I should explain to the Honourable Member that it is the intention of the Government to take such steps as he describes immediately the Ordinance is passed, and to spend the intervening year in making the districts acquainted with the situation.

The Hon. the Banking Member:—

These remarks are prompted by the significance of the resolution to provide for the services of 500 additional police. I sincerely trust these will not be required if it is true that they are being raised in connection with the Bill. This is not the time to have disturbances; trade generally is making very slight headway and that is already reflected in revenue. I trust it will be found possible to carry out the provisions of this Bill without any disturbances. (Applause.)

The Hon. the Member for the Niger African Traders:—

Your Excellency. I rise in support of the amendment that this Bill be read six months from this date and I would like to mention that there are reasons which call for the amendment. When we came here at the last Session this Bill was read for the first time and when we returned to our respective places some of us took steps to acquaint the people of the Bill and to get their opinion, but we had not the full time to do so before some notice of an amendment was sent to us, and we had not the time sufficiently to communicate the amendment to the people before we had to prepare to attend this meeting. Moreover, one of the Honourable Members explained to Your Excellency that the other day he was unable to obtain the views of his constituents because some obstructions were put in his way. I have no doubt he will put his statement in writing for the investigation Your Excellency has promised, but on the ground that we have not had sufficient time to acquaint the people and that the Government, so far as the Onitsha Province is concerned, have not taken any steps to inform the people or to make any explanations as regards the Bill, I support the amendment that this Bill be postponed for six months.

The Hon. the Member for the Rivers Division:—

Your Excellency, as regards taxation in the Eastern Provinces it does not seem to me fair that considering the satisfactory state that the Government finances are now in, it should be necessary that taxation should take place. There is general taxation in all the areas of the Northern Provinces, but there has never been any taxation in the Eastern Provinces. In the Northern Provinces it has been established for many years, but the position in the Eastern Provinces is quite different, and there has not been enough time given for the preparation of the people for this taxation. We have heard a great deal about "equity," but I think it would be more equitable on the part of Government that taxation in this form should be suspended at the present moment. Most of the people in the Provinces to which you wish to extend this taxation are illiterate, yet some of them will have to collect the taxes and keep an account. Are you going to allow the native clerks in the Native Courts to collect this money? Are they going to collect this money and sign for it? It is possible that some of the people will lose their receipts for this money. What may happen? Probably conviction and imprisonment. If you bring this taxation to the Eastern Provinces one cannot tell what might happen, and some of the natives might cause obstruction. Measures should be taken for the people to be prepared and to be told the benefits that will accrue to them by this taxation. In the Eastern Provinces there are Chiefs and heads of houses; there are Chiefs and sub-Chiefs. These things are different from what they were in former days, yet the people still look upon Chiefs and sub-Chiefs as heads of families. Most of the people consider themselves members of certain houses, and do you think the heads of these houses are going to appeal to these people to pay taxes to Government. The people would expect the Chiefs to pay for them.

Then again, you are going to make the natives pay as soon as they are sixteen years old; many of them at that age are only school boys. Then, as the Honourable Member for the Niger African Traders told you, we have not had time to acquaint the people of these proposals; we must have more time to prepare them. I am

not against the measure so much on the mere fact that each person should be taxed and assessed at a certain amount to be paid, but what I am opposed to is the fact that the people have not been prepared or made to understand the benefits they will derive.

His Excellency:—

I do want Honourable Members to realise that there is a full period of twelve months before the actual putting into effect of the measure, and that those twelve months will be occupied in bringing the matter before the notice of the natives.

The Hon. the Member for the Rivers Division:—

Your Excellency, that is true in places where the people are more or less literate and in touch with the European element, but in places where they are not so much in touch it is quite different. Most of the people in the districts where it is proposed to introduce this taxation are illiterate; how are such people going to collect the tax?

The Honourable the Acting Secretary for Native Affairs has explained to us that he is going to confer on us the blessings of taxation, and the Honourable the Member for the Colony Division just said that because so much money has been spent in Lagos why should we not contribute our share? That is all right, but the people in the Eastern Provinces do not understand the position. There are some places where the people produce palm oil more for their own consumption than for trade; they are merely agriculturists, and they do not care anything about such matters as paying taxes. These are the places in which special care should be taken, otherwise it will cause ill-feeling and friction.

Extra staffs will be required with the District Officers and Assistant District Officers; or else the administrators and law givers will become merely tax collectors. I do not agree with the principle that under the Bill certain persons should be taxed and others should not be taxed. I agree that all should pay taxes. But there is a difference between Northern Nigeria and the Eastern Provinces. There is no machinery in the Eastern Provinces; there has always been taxation in the Northern Provinces, but to create machinery in such places where they have never had taxation at all is very difficult. The benefits will not be realised until the people are properly told. But it is a bit premature in my opinion; there is no use at all in a person being told to run before he can walk. These people would not understand why they should have this taxation; they expect the Government to pay them, not that they should pay the Government. I do object to forcing this thing upon them; the people should be made to understand and there should be proper information given and propaganda among them. We come to this Council and we agree to the tax. Must we go back and tell our people that they must pay this money or go to jail? It would be an immediate cause for dissension. As I said before so many of these people are illiterate and they do not understand why they should be taxed by Government, although they know this is a thing that is always done. So if the people were told about this matter properly all round, they would understand better why they should have to pay this 10s. When I was trying to explain this measure to some of the people I got a map out and showed them the different Provinces, and told them, "these people are taxed" and "these other people here are taxed" and so on. Then I said "here are the five Provinces which are not yet taxed." That made some of them understand the position; it is a fact that a great many of them have no idea that there is a place called "Northern Nigeria" at all.

I am inclined to agree with the motion just made that these people should be given an opportunity of proper propaganda before the measure is passed by Council.

The Honourable the Acting Secretary for Native Affairs has just told us that certain measures could be passed without asking Council to agree to them. Then I consider that in the Provinces the Chiefs should be called together and the matter put before them. Well I come to this Council and I have to go back and inform the people that they must pay taxes; will they consider that they have been told about it? It will be the same all round. They will say "We did not understand; we have never been told about it. Pay taxes? Government never told me."

It is quite understood that this is a big country, and that the people should be taxed for the benefit of the country. I only hope we shall get some of the benefits that have been so much talked about.

ADJOURNMENT.

The Council adjourned until 2.30 p.m.

RESUMPTION.

The Council resumed at 2.30 p.m.

His Excellency:—

Does any other Unofficial Member wish to speak on the Native Revenue Ordinance?

No member having signified a desire to speak, His Honour the Lieutenant-Governor of the Southern Provinces rose to address the Council.

His Honour the Lieutenant-Governor, Southern Provinces:—

I listened this morning to the debate without hearing, but during the adjournment I have got some notes of what Honourable Members said; of what was said by the African Honourable Members of this Council with reference to the people of Nigeria, their lack of intelligence, their mentality, how incapable they were and so on. They were spoken of with a scarcely veiled contempt that no Englishman would be guilty of. I think it is quite true to say that no Yoruba representative can speak with understanding of the Ibo, any more than I can speak with understanding of a Russian or a Fulani can speak of the mentality of a Portuguese; but still it did come as a shock to me. I have only been surveying the raising of revenue now for twenty-six years, and I have never come across any race in Nigeria incapable of understanding the principle of taxation, or incapable of doing anything for themselves. Those races do not exist as far as I know. Among the Honourable Members who spoke, it was, I think, the Honourable the Member for the Rivers Division, who gave some reasons for his objections, and those reasons, I think, were those advanced by most of the other opponents of the Bill that is now before this Council. He told us that taxation was unknown in the Eastern Provinces, but taxation has been known in every Province, almost every Province in which I have served in this country. Because a thing is unknown, that is no reason for not setting up the machinery. Electric light was unknown in Lagos up to a few years ago, when we set up the machinery. As a matter of fact the machinery is there, though still in an embryonic condition. It has never been used, but that does not mean that it is incapable of being used. Taxation is one of those factors, one of those levers, that make for bringing out the inherent capacities of a people. Without taxation the experience of the world is that people stagnate. However, the places where no taxation exists are so few that there is no need to emphasise that subject.

Then the Honourable the Member for the Rivers Division went on to say that he thought taxation was good in its way; he could not get away from that. He knows it is good but he thinks it is highly inexpedient at this particular moment. He did not advance any reasons why this particular moment other than insufficient time had been given for the instruction of the people in taxation. Well I really don't know what Honourable Members can want. The Bill was published on the 6th January; it is not going to be enacted until 1st April next year, not going to be put into force until 1st April next year. Collection will begin probably six months from that date; well, that will be a year and nine months. If this Bill passes, and the sooner it does pass and it becomes law the better, telegrams will be sent out to the District Officers and highly trained propagandists will also be despatched in order to endeavour to educate the people. I think that in a year and nine months as much explanation can be given as it is possible to give without taxation actually taking place. It will go quicker when they have to pay. As the Honourable the Acting Secretary for Native Affairs said he only wondered it had not been done before, and the answer to that is, generally speaking, the war. The war intervened and shortened the staff and there were other considerations of that sort.

Of course, the people of the Eastern Provinces know perfectly well that taxation must come, for they are surrounded by a purely administrative paper boundary, and on every side of them the people are being taxed and have been so for a great many years. No one has suggested any reason why the Ibos should remain, untaxed. Then as to the machinery. There was some idea that the Native Court clerk was going to collect, or something of that sort. Well, of course, the Administration is going to collect, the District Officer is going to collect; this will be regarded as one of his administrative duties. I think it is no use saying it cannot be done when all we have to do is to look around and see how it is done in the extreme northern parts of Nigeria. In the Northern Provinces that have been referred to Honourable Members know as well as I do, that it was only in the fashionable centres, places that are talked about, where machinery existed and where people were accustomed to taxation. I began by saying that in the Provinces which I had served for fifteen years people no more understood or talked about taxation than they do in the Ibo country; in fact, the Ibos being more intelligent than the Munshis, there ought to be less difficulty.

The Honourable the Member for the Rivers Division voiced the objection that the people would expect the Chiefs and heads of houses to pay for them. Yes, I remember the day when I expected my father was going to pay my own income tax, but one soon drops out of that idea. People have to pay for themselves if the Chiefs don't pay for them. I do not think that is any reasonable objection. Naturally it is human nature to get someone else to pay for you if you can possibly do so.

Then as to the effect on labour. The effect on labour, experience teaches, is to create or to increase the wage earning classes, but I have never found that the wage earning classes have increased to such an extent that an unemployed class has been formed. It simply means to say that for the greater good of Nigeria as a whole a larger number of people are willing to travel certain distances and take up salaried labour; and I repeat, that is all to the good of the country. We want the people to move about and we want them to work.

Then even the Honourable the Member for the Rivers Division threw out a hint about the illiteracy of his constituents. Well, Sir, I have recently been down in his constituency and there seemed to me to be more schools to the square mile than anywhere else in Nigeria. However that may be, illiteracy has nothing to do with taxation. Almost every native in the Northern Provinces is illiterate from an English point of view, and I suppose not more than three to five per cent. are literate from the Arabic point of view; then a great many people say, Sir, that illiterates are more honest than literates. I don't know about that, but that will be all to the good in the matter of taxation. I don't really think that literacy has anything whatever to do with taxation. Where the people are really all illiterate we can, instead of using paper receipts which they cannot read, use metal discs. That is a matter of detail in which we should always be willing to consult the elected member as to what he thought.

The same Honourable Member asked us if Government understood the position in the Eastern Provinces. I think we do. We have got District Officers and Residents who have been there a large number of years, who have applied themselves, who have done their best to get to know, and I think they do understand the people. Whether we really understand them or not I can assure the Honourable Member it is not the intention of Government to do anything drastic in any way whatsoever. You will find all over the country infinite patience will be used and tact. I do not think that anyone need fear any sort of drastic action.

The burden of various Honourable Members' speeches was that the time for propaganda had been insufficient. Well, Sir, if I had ordered propaganda to start a year and a half ago when this question was first brought up, if I had started propaganda without the Bill having been passed, I should have been accused of everything that was wrong. The District Officers would not have had a rock to stand on; they would merely have been acting on circulars emanating from the Secretariat. It would have been most unsatisfactory and most unofficial and I submit it would have been wrong too. It would have been anticipating a measure that at that time we did not know whether this Honourable Council

things; it can mean education towards baser things, towards strife. I don't suggest that that is the reason; but it is the only reason that can be put forward.

The Honourable the Member for the Ibo Division, Sir, said people had not heard about assessment. No, they had not heard about assessment anywhere in this country until taxation was introduced, and so he proposed that the Bill should be adjourned for six months to give people a chance to learn about the Bill. I think that within the next fifteen months they will have every chance of learning about the Bill. He told us also that people were unanimously opposed to the Bill; that petitions had been sent in to Your Excellency, that the petitioners, I think, were even here at this moment. Well, of course, people are opposed to taxation. We are all opposed to paying anything out of our pockets, especially to the Government. It must necessarily be the more advanced, more progressive, the more intelligent amongst us who introduce taxation. No one wants to pay. He has heard, in the Onitsha Province I suppose, that the people object to the levying of a flat rate of 10s. There is no question of 10s. before this Council; it does not come into this Bill at all.

Then, Sir, may I refer to the speech of the Honourable the Banking Member who asked some questions that must be answered. One question was, if the people will have a say in the spending of the revenue derived from taxation? Of course, they will. The whole reason for introducing taxation is so that people will have a say in the spending of the revenue. It is asked if this will be so even where people are so uneducated and incapable as has been made out. Well no. It will take a very short time to educate people in the spending of their own money. These monies, being public monies, they have to be spent under supervision, but every leader of men will have a chance of saying how he thinks the money should be spent. That is a question of organisation. The true representatives of the people will have to come forward and give their views. Naturally the District Officer, when drawing up the Estimates, cannot interview hundreds of thousands of people; he must use his own judgment, and he has got to be guided by the advice of the people whom he has learned to recognise as the leaders of the people. The taxes will be assessed on an equitable basis I hope. They will certainly not be assessed at the will and whim of the District Officers, but on the approval of His Excellency the Governor, and no other. I agree with the Honourable Member that if the matter is thoroughly explained, there will be no opposition, no real opposition. There will be passive opposition as there is in England. We none of us fill up our income tax forms the day they arrive, and the same thing will apply here. But as to real opposition, I have too much belief in the common sense of the natives of Nigeria to believe in it.

The Honourable the Banking Member pointed out that there was something wanted in the Eastern Provinces. I quite agree with him, especially in Port Harcourt where there is no Native Administration. Go direct from Abeokuta or Ibadan to Port Harcourt; what a difference in the atmosphere! This is not due to any racial characteristics, but it is due to a sense of being alive which one feels in the Yoruba Provinces. People are doing something; they are interested; they are interested in their own Government. In Port Harcourt they are merely dependent on the Government, and as the Honourable the Member for the Rivers Division has said, they expect to be paid for being there. Quite so. We do hope that taxation and its corollary Native Administration or local Administration, if you prefer it so, will amend that, and that it will make a great difference not only in the life of the people, but in the life of the representatives of the people, the Chiefs.

There was also mentioned the question of a uniform system of assessment, and there I am in full agreement with the Honourable the Banking Member. Steps have already been taken to go into the matter and to introduce if possible, and I think it is possible, an equitable system of assessment. That does not mean to say that the rate to be imposed on every taxable male will be the same, but that the method of calculating will be the same, so that anomalies such as those of income tax paid by members of the African Clerical Staff mentioned by the Honourable Member would be put right. To-day the rates are not the same, but I hope that will be remedied

shortly. I would remind Honourable Members that they are dealing here with an income tax and with no flat rate, even though over large areas of the country the income tax does mean in reality a flat rate. That is because there is very little difference in the incomes of the people over large areas of the country and the income tax naturally reduces itself to a flat rate. But where you get people with different incomes as in the greater part of this country, then we shall get on to a true income tax as quickly as possible.

The Honourable the Banking Member urged us to undertake propaganda, but I have already said that no one is more fully alive to that necessity than I am. He doubted whether it were wise to risk disturbances without giving fullest publicity. Well, the fullest publicity will be given and I do not anticipate disturbances of any sort at all. He was anxious about the effect on labour too. Now that the Treasury is improving, now that trade is improving and material progress is becoming greater, there is less likelihood of there being any disturbances. The Honourable the Banking Member did say that taxation was one of the adjuncts of civilisation, and of course, it is. It is one of the adjuncts of true civilisation, that is in a sense not of arts culture, but of self-respect, and what we want the people of the Eastern Provinces to acquire is that sense of self-respect which one sees to an infinitely greater extent in the Yoruba Provinces. I beg, Sir, to support the Bill. (Applause.)

The Hon. the Chief Secretary to the Government:—

Sir, I feel I must emphasise one point which my honourable friend on my right has made because it seems to have given rise to much misunderstanding and much confusion, and has formed one of the chief bases of objection of Honourable Members. I refer to the point that there has been no education and no propaganda in this matter. No good would have resulted thereby. Supposing a year ago District Officers had published the fact that we were going to have taxation in this Colony, that fact would have come very quickly to the ears of my honourable African friends here, and they would have been very indignant. They would have said "Taxation? What do we know of it? Government must bring in a Bill." When, however, Government brings in a Bill you say, "What, bring in a Bill? You have not educated the people yet." You want to have it both ways.

Our Bill is perfectly right and constitutional. We brought it in last February, that is two months ago. We could have passed it then; we did not do so; why? We gave two months to Honourable Members to explain the meaning of the Bill to their constituents, and I hope they have done so.

When the Bill is passed they have got another year, and unless I am mistaken I hope, and I think there is some reason to hope, that not only will District Officers explain this measure to all they possibly can, but that my African colleagues will also take on their shoulders the burden of propaganda.

There is one other point which has not been dealt with by His Honour the Lieutenant-Governor, which was raised by the Honourable the Banking Member. His point was that if the main purpose of the Bill is not for raising revenue, we ought to give some *quid pro quo* in other ways. Well, Sir, if it was anticipated that this measure was going to result in an increase to revenue, there may have been something in what the Honourable Member said, but this is not so.

The approximate figures I have are as follows: The net result on our revenue after allowing for the increased proportion to the Native Administrations will be an approximate loss to revenue of £100,000 in a year. Well, Sir, when you are going to lose £100,000 on your revenue in one year it can scarcely be said that this is a reason for reducing taxation.

I will not say anything further on the various points that have been raised by Honourable Members. My honourable friend has dealt with them all, and it is hardly necessary for me to say any more.

His Excellency:—

There is an amendment before the Council that the measure be postponed for six months. I will first put the amendment to the vote. Will those in favour say "Aye;" those against say "No."

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We will take a division on the amendment.

Honourable Members voted as follows:—

FOR—7.

The Hon. the Third Lagos Member
The Hon. the Member for the Oyo
Division.
The Hon. the Member representing
the Niger African Traders.
The Hon. the First Lagos Member.
The Hon. the Member for the Ibo
Division.
The Hon. the Member for Calabar.
The Hon. the Second Lagos
Member.

AGAINST—20.

The Hon. the Member for Rivers
Division.
The Hon. the Member for the Egba
Division.
The Hon. the Banking Member.
The Hon. the Member for
Shipping.
The Hon. the Member for the
Colony Division.
The Resident of the Colony.
The Hon. the Postmaster-General.
The Hon. the Acting Director of
Public Works.
The Hon. the General Manager of
the Railway.
The Hon. the Acting Secretary,
Southern Provinces.
The Hon. the Deputy Chief
Secretary.
The Hon. Capt. Ross, Senior
Resident.
The Hon. the Acting Secretary for
Native Affairs.
The Hon. the Comptroller of
Customs.
The Hon. the Director of Marine.
The Hon. the Treasurer.
The Hon. the Acting Director of
Medical and Sanitary Service.
The Hon. the Attorney-General.
His Honour the Lieutenant-
Governor, Southern Provinces.
The Hon. the Chief Secretary to
the Government.

The Hon. the Commercial Member for Lagos abstained from voting.

The motion was therefore declared to be lost.

His Excellency:—

I will now put the motion that the Bill be read a second time.

I would like a division taken.

Honourable Members voted as follows:—

FOR—20.

The Hon. the Member for Rivers
Division.
The Hon. the Member for the Egba
Division.
The Hon. the Banking Member.
The Hon. the Member for
Shipping.
The Hon. the Member for the
Colony Division.
The Resident of the Colony.
The Hon. the Postmaster-General.
The Hon. the Acting Director of
Public Works.
The Hon. the General Manager of
the Railway.
The Hon. the Acting Secretary,
Southern Provinces.
The Hon. the Deputy Chief
Secretary.
The Hon. Capt. Ross, Senior
Resident.
The Hon. the Acting Secretary for
Native Affairs.
The Hon. the Comptroller of
Customs.
The Hon. the Director of Marine.
The Hon. the Treasurer.
The Hon. the Acting Director of
Medical and Sanitary Service.
The Hon. the Attorney-General.
His Honour the Lieutenant-
Governor, Southern Provinces.
The Hon. the Chief Secretary to
the Government.

AGAINST—7.

The Hon. the Third Lagos Member
The Hon. the Member for the Oyo
Division.
The Hon. the Member representing
the Niger African Traders.
The Hon. the First Lagos Member.
The Hon. the Member for the Ibo
Division.
The Hon. the Member for Calabar.
The Hon. the Second Lagos
Member.

The Hon. the Commercial Member for Lagos abstained from voting.
The motion was agreed to and the Bill was read a second time
accordingly.

On the motion of the Honourable the Attorney-General, seconded
by the Honourable the Acting Secretary for Native Affairs, the
Council resolved itself into Committee to consider the Bill clause
by clause.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, the following amendments were agreed to:—

1. Clause 1. *Add* " and shall come into force upon the 1st April, 1928."
2. Clause 2. *Delete*.
3. *Insert* new clause 2 as follows:—

Amendment of section 1 of chapter 74.

2. Section 1 of the principal Ordinance is hereby amended—

- (a) by deleting therefrom the words " the Northern Provinces " and substituting therefor the words " the Protectorate (including the British Cameroons) but not to the Colony."

and (b) by deleting therefrom the proviso thereto.

The Bill having passed through Committee with the above amendments, on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, the Bill was read a third time and passed.

ROADS AND RIVERS (REPEAL) ORDINANCE, 1927.

The Hon. the Attorney-General:—

I rise, Sir, to move the second reading of a Bill entitled " An Ordinance to repeal the Roads and Rivers Ordinance, 1927."

When, Sir, the Bill which has just been passed comes into operation, direct taxation will be in force throughout the Protectorate and there will no longer be any justification for calling upon unpaid labour for roads and rivers. This Roads and Rivers Ordinance may therefore be repealed and I feel sure that everyone will be glad to see this Ordinance disappear from the Statute Book.

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

The Hon. the Acting Secretary for Native Affairs:—

I beg to second the motion for the second reading. I think I am right in saying that as direct taxation has been extended by degrees throughout the Southern Provinces, with each extension the application of the Roads and Rivers Ordinance has been dropped as each area came under taxation. Therefore it is merely in accordance with the process that has already been going on that now that taxation is to be extended to the whole of the Protectorate, this Ordinance should be repealed, and that there should be no more compulsory unpaid labour in the Protectorate.

His Excellency:—

Does any Honourable Member wish to address the Council on this Bill?

The motion was carried, and the Bill was read a second time.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, Council went into Committee to consider the Bill clause by clause.

The Bill having passed through Committee without amendment the Council resumed and, on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, the Bill was read a third time and passed.

GENERAL TAX (COLONY) ORDINANCE, 1927.

The Hon. the Attorney-General:—

I rise, Sir, to move the second reading of a Bill entitled " An Ordinance to regulate the Levying and Collection of a General Tax in the Colony."

This Bill, Sir, provides for the levy and collection of a general tax at a flat rate of 10s. per annum payable by every male of the age of sixteen and upwards resident in the Colony. The main reason for this proposal is that when the Bill to amend the Native Revenue Ordinance which has just been passed by this Council comes into operation, the Colony will be the only part of Nigeria to which the Native Revenue Ordinance does not apply. That is to say direct taxation will be levied throughout the Protectorate, and when that is the case it is an untenable proposition that the Colony should continue to remain untaxed. Whether taxation be

regarded as a burden of the weight of the burden be shared equally through apply the Native Revenue provisions are in a method of assessment Colony, particularly does not provide for the it is not desirable to do the matter of taxation a simple scheme which sary that in the first simplified as much as the tax should be at a necessary for the colle

As in the Native Clause 5 of the Bill), to certain classes of already been published I wish to draw part of pupils at secondary hear.) If it were not that the age of sixt incidence of taxation The second is, that w the Protectorate unde from the General Tax first paid in the Col Protectorate, they can o In this way double p same time there will Authorities in the P would be assessed at not be able to escape the Colony.

It is proposed that civil or criminal. It will be the one resort though it may be sel against a person who demands made, and that I intend to mov inserted in the appro

It is necessary also upon persons who in remark that throug maximum penalties tion Ordinance, but face of it, I propose penalty clauses in th

The provision in may be arrested wit usual, but it is to b officers and will be anticipated that the sary that it should essential that it sho be able to take pro

In Clause 3 of the the collection of th assistants.

It is provided tha into the general Authorities in the paid. If and when possible to amend th spend. In Lagos if of the tax to the To already makes a ver

Provision is made of tax to demand labour, heads of T duty is laid upon s

regarded as a burden or a blessing, it is essential at any rate that the weight of the burden or the enjoyment of the blessing should be shared equally throughout Nigeria; but it is not possible to apply the Native Revenue Ordinance as it stands to the Colony. Its provisions are in many cases not suitable. In particular the method of assessment provided could not be carried out in the Colony, particularly in Lagos, and furthermore the Ordinance does not provide for the taxation of the non-native. In the Colony it is not desirable to differentiate between natives and non-natives in the matter of taxation, therefore it has been necessary to devise a simple scheme which can be more readily applied. It is necessary that in the first instance the collection of the tax should be simplified as much as possible. Consequently it is proposed that the tax should be at a flat rate, thus obviating all the machinery necessary for the collection of an income tax. (Hear, hear.)

As in the Native Revenue Ordinance, provision is made (in Clause 5 of the Bill), to enable the Governor to grant exemption to certain classes of persons. The proposed exemptions have already been published in the Gazette, and there are two to which I wish to draw particular attention. The first is that in favour of pupils at secondary schools, and training institutions. (Hear, hear.) If it were not for this exemption it might well be argued that the age of sixteen has been fixed too low, and that the incidence of taxation would fall very hardly upon school boys. The second is, that whereby persons who have already paid tax in the Protectorate under the Native Revenue Ordinance are exempt from the General Tax in the Colony, and moreover if they have first paid in the Colony are then called upon to pay in the Protectorate, they can obtain a refund of the tax paid in the Colony. In this way double payment of tax will be obviated, and at the same time there will be no diminution in the revenues of Native Authorities in the Protectorate. Moreover, a wealthy man who would be assessed at a considerable figure in the Protectorate will not be able to escape by paying a much smaller figure of 10s. in the Colony.

It is proposed that proceedings to enforce payment may be either civil or criminal. In the ordinary way of course, the civil remedy will be the one resorted to, but it is necessary to have power, even though it may be seldom if ever used, to proceed as for an offence against a person who unlawfully refuses and neglects to pay after demands made, and here I would inform Honourable Members that I intend to move that the words "after demand made" be inserted in the appropriate place in Clause 7.

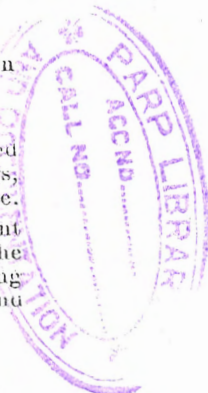
It is necessary also to have power to impose substantial penalties upon persons who incite others to refuse to pay and here I would remark that throughout the Bill the penalties prescribed are maximum penalties only. This is provided for by the interpretation Ordinance, but in order that it may be apparent to all on the face of it, I propose to move the necessary amendments to all the penalty clauses in the Bill in due course.

The provision in Clause 7 that an offender against that clause may be arrested without warrant is recognised as drastic and unusual, but it is to be observed that the power is confined to senior officers and will be exercised with the utmost discretion. It is anticipated that the mere fact that it is there will make it unnecessary that it should be used. On the other hand it is considered essential that it should be there in order that the authorities may be able to take prompt measures if necessity arises.

In Clause 3 of the Bill the Administrator is made responsible for the collection of the tax and is given power to appoint suitable assistants.

It is provided that the whole proceeds of the tax should be paid into the general revenue. At present there are no Native Authorities in the Colony to whom a share of the tax could be paid. If and when such Native Authorities are created, it will be possible to amend the Ordinance to give them a share of the tax to spend. In Lagos itself it is not proposed to assign any proportion of the tax to the Town Council for the reason that the Government already makes a very substantial Grant-in-Aid to the Municipality.

Provision is made in Clause 4 of the Bill to enable the collectors of tax to demand the necessary information from employers of labour, heads of families, householders and other persons, and duty is laid upon such persons to give the information required.



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There is a clause (No. 6) declaring certain malpractices by tax collectors to be felonies. I feel sure that that clause will meet with the approval of all Members of this Council.

Clause 8 of the Bill provides a heavy penalty for attempting to evade payment of the tax by false pretences, but here again I would remind Honourable Members that the penalty is on a maximum, and it is competent to any Court convicting to enforce a less punishment.

Clause 9 of the Bill imposes upon tax payers the duty of taking reasonable steps to ensure that their tax receipts will not be used by any other person for the purpose of evading the payment of tax, and a penalty is imposed for a breach of that duty. A heavy penalty is imposed for intentionally allowing a receipt to be so used.

Clause 10 of the Bill makes it a felony to collect or attempt to collect the tax without authority.

Clause 11 makes the necessary provision as to proceedings, and Clause 12 enables regulations to be made for carrying out the Ordinance.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Acting Secretary for Native Affairs:—

I beg, Sir, to second the motion. In the course of the debates on the various Bills that have been before the Council to-day we seem to have ranged over a wide field searching for the proper attitude towards taxation and the motives for imposing it. I begin to think that taxation is rather like human marriage which has been well defined as being made up of opportunities and trials—opportunities for the wives and trials for the husbands. In the Colony it seems to me that the trials would be those incidental to all forms of taxation, and the opportunities would be those for exercising a certain pride, which I believe the inhabitants of the Colony hold very strongly.

It seems to me now that it is agreed that taxation is to prevail over the whole of the Protectorate, it would be unthinkable that the Colony should remain exempt. What would the inhabitants of the Colony say to the inhabitants of the Protectorate when they were twitted on this exemption? They cannot say they pay indirect taxes which the Protectorate does not pay and they cannot argue on the score that they pay rates, municipal rates, because not only do they get full value, but what they pay does not even cover the costs of the amenities provided. I think I am right in saying that the estimated yield from the Colony tax will be less than the Grant-in-Aid to the Lagos Municipality. On all those grounds it seems to me that the introduction of direct taxation in the Colony cannot possibly be deferred any longer.

Having granted the principle, the question is in what form the tax should be introduced. Nobody pretends that this crude form of taxation which is going to be introduced is a thing we are particularly proud of, but it is the best that can be devised at present. Any more elaborate form of taxation, seeing that in the Colony we are involved not merely with Africans, but with Europeans and so on, would be an extremely lengthy and difficult thing; not a thing to be undertaken lightly or carried out in a short space of time. But it does seem more important to introduce a relatively unsatisfactory form of taxation straight away than to put off taxation of any kind in order eventually to do something far better. That is, I think, our sole defence for introducing a flat rate of 10s. per adult male.

As the Honourable the Attorney-General has pointed out, in many respects the General Tax Colony Bill is entirely unlike the Native Revenue Ordinance, unlike it particularly in this sense that whereas the Native Revenue Ordinance provides for a division of the proceeds of taxation between the Native Treasury and Government, no such provision exists in the General Tax Ordinance, the reason being that for the present no Native Administration exists. Your Excellency has, however, explained in your Address to Council this year that if and when at any time Native Administrations come into being, the question of devoting at least a portion of the proceeds of the taxation to such Native Administrations, under whatever form they come into existence, will be very seriously considered as part of the normal development of local self-government.

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I rise, S I make bo measure th tion. I th as you ha first and s has been attention that have I think t demning t Honourab different paper exc thought h

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I think, Sir, this is a Bill about which it is hardly necessary to speak at great length on the second reading. I imagine that there will be a good deal of discussion in Committee on the various clauses. My only regret about the whole business is this; that it will fall not to the Honourable Treasurer himself, but to his successor, to acknowledge the receipt of the 10s. conscience money. (Applause.)

The Hon. the First Lagos Member:—

I rise, Sir, to move that this Bill be read this day six months. I make bold to say, Sir, that this is about the most revolutionary measure that has been introduced into this Council since its inception. I think that fact has been appreciated by Your Excellency as you have allowed a period of six weeks to elapse between the first and second readings of the Bill. I think ample opportunity has been taken of the time allowed, and Your Excellency's attention must have been called to the different criticisms that have appeared in the local journals from time to time; in fact I think that practically all the journals are unanimous in condemning this Bill as unjust and unnecessary. (Hear, hear.) The Honourable the Member for the Colony Division I know now has different views; unfortunately I have not seen anything in his paper except that which is against it; as a matter of fact I had thought he was opposed to the measure.

Your Excellency, those criticisms have been practically unanimous with the exception of the *Nigerian Pioneer*. In addition to that you have also got on the Table of this House a petition from the Nigerian National Democratic Party, which after all, represents the majority of the people of this Colony, and in addition to that I understand another petition has been addressed to Your Excellency by a body of men led by Dr. John Randle. I think that body is always considered as being very friendly to the Government and I am sure that they would not have sent in that petition unless they had fully considered that this Bill would not do any good to the community. Last but not least, I understand that another petition has been sent to you by the women of Lagos. That petition is not on the Table of this House but I believe it is a fact. If that is so, Sir, it shows that the different sections of the community are practically unanimous in opposing this Bill as unnecessary, and I am sure that Your Excellency before proceeding with this Bill will give every consideration to those petitions.

Now, Sir, it has been asked, "What is your objection to the introduction of taxation?" Surely, Sir, the first question is: "What is the necessity for this taxation?" I believe it has been admitted by Your Excellency, and the honourable gentlemen who have spoken to-day—the Honourable the Attorney-General and the Honourable the Acting Secretary for Native Affairs have also admitted it—that the proposed taxation is not for the purpose of raising revenue, it is not dictated by any financial necessity, but it is said to be for the purpose of equity. Your Excellency, I must confess that I fail to see the equity in this business, and you ought to suppress that particular principle of equity that is being brought in favour of this Bill.

As I understand it, this direct taxation has been introduced into other parts of Nigeria because it is necessary for Native Administrations to be maintained. But in Lagos and the Colony we have no Native Administrations and I for one hope we shall never have any Native Administrations. (Hear, hear.) As I say, Sir, we have no Native Administrations, so why should you impose such taxation? It is true, Sir, nobody likes to pay taxes, but when you have this idea behind it that it is the intention of Government at a later stage to introduce Native Administrations, I say, Sir, that the people are quite justified in their opposition to this Bill.

Your Excellency has given reasons for the introduction of this Bill and I refer to page 100 of Your Excellency's Address to Council, which reads as follows:—

"The arguments for taxing the Colony are of course mainly founded on equity. With the extension of taxation to the whole of the Protectorate, the continued exemption of the Colony would clearly be an impossibility. The further benefits arising from the institution of Native Administrations must for the present be postponed."

As far as the Democratic Party is concerned, we feel it is arguable whether any benefits would accrue to the Colony by the introduction of Native Administrations. So, Sir, the only reason why we are called upon to pay this tax—this Poll Tax too—in Lagos, is because other parts of the Protectorate and other parts of Nigeria are paying this direct taxation. I submit with all due respect, Sir, that that is not sufficient reason why the inhabitants of Lagos should be called upon to pay a tax.

It is also admitted by the Honourable the Acting Secretary for Native Affairs that this system of taxation as applied to the Colony is unsatisfactory. If that is admitted, why go on with this taxation, with this Bill at present? Why not wait until you are able to evolve a better system of taxation?

A Poll Tax is always objectionable, especially to an advanced community such as the Lagos Colony. I think I am correct in saying that in Sierra Leone they are still celebrating as a public holiday the day on which that tax was abolished by Sir John Pope Hennessey. I think I am also right in saying that an attempt was made to introduce this tax into the Gold Coast, but it failed. Why then, Sir, in this Colony are you imposing direct taxation of the most degrading kind? Even at this hour I would appeal to Your Excellency to consider if, in the face of all the opposition you have had by way of petitions and also in the way of criticism in the Lagos journals, you will not consider the advisability of holding up this measure? We who are representing the municipal area of Lagos are opposed to the introduction of this measure because we believe that it is inequitable and because we believe it is most unjust.

I do not see why, Sir, the Bill should be introduced simply because other parts of Nigeria are paying. You ought to show some necessity for it. As I have said before, every one of the people considers there is absolutely no necessity for the introduction of the Bill. It is not intended for purposes of revenue, that is admitted, and the only reason given by Your Excellency and official speakers to-day is, that it is founded upon "equity."

I respectfully submit that it is far from being equitable that Lagos should be asked to pay this Poll Tax, and feeling as we do, Sir, that this tax is unnecessary and impolitic, it will be our duty to authorise every constitutional opposition to the measure. But I am sure that Your Excellency will give every consideration to those petitions and also to the expressions that will be given in this Council by those who represent the community of Lagos, and that even at this eleventh hour you will find it possible to postpone the Bill, because after all it will not bring to the people of Lagos what should be the first object of Government, the peace and contentment of the community. I therefore move, Sir, that this Bill be read this day six months.

The Hon. the Member for Calabar:—

I rise to second the motion that the Bill be postponed until this day six months, notwithstanding the fact that this Council has agreed to the Native Revenue Ordinance should extend to the five Provinces mentioned. When it comes to a matter of taxation I think we ought to ask ourselves what is the necessity for the taxation? We know, at least those of us who come from places where the people are not very much enlightened, that for many years it has been the custom of our people to carry on their own local work, and those who refuse to attempt the work are fined by the majority of the people. The fine is inflicted not because they want to get revenue and put it by, but because they want to show the people that it is their duty to work in the interests of the community, and that is why instead of taking action against them they have their door posts removed, or their cooking pots taken or other things which are absolutely necessary to the people. This is to impress upon their mentality that they must do their duty.

Now in the Colony, before the European came and took upon his shoulders what is known as the "White man's Burden," the people were carrying on their own local works. They started to levy taxes, indirect taxes in the form of customs dues, and all that sort of thing and this sort of administration was actually carried on. Now I am not a political economist, but I believe it is not good political economy for any Government to collect money, more money than is necessary, and put it by just to create surplus funds, simply because they want to keep the money there. Now what is the necessity for this Bill?

Your Excellency admitted five million pounds, and funds you are asking the people to pay a general direct tax, and the people who come from the years and upwards has to pay

Now we must not lose sight of the constitution of this Council. The Member has the right to vote, and he has sufficient intelligence to vote. He has sufficient money to vote. If a man of sixteen years has the sense to work or to pay any

Now it is true that the Bill will apply to the Colony, and the Member for the Colony Division because we say that Lagos is a general taxation. Personally I am opposing this motion because if it is passed I should like to see you out of this protest, because since it is passed it certainly will have a tendency in Nigeria, and the majority of the Administration is right, and if we oppose any measure we want to make ourselves acquire notoriety. But some where Government feels it is a burden of thousands of pounds would cost the Government more than the people who have been asked to take measures to forego a revenue of £100,000.

The Hon. the Second Lag

I rise to speak in favour of the petitions that have been laid before the Council referred to by the Honourable Member. I may say that in supporting this motion only on my own personal behalf, and on the entire African community of Nigeria outside the exception of the Honourable Member for the area of Nigeria outside the area of Lagos, and even the people of Badagry, the Bill may be made not to

It has been said, Sir, that the policy is to raise the people to a higher political status. It is found, and it follows as a result of the moral obligation of every Government to impose upon the community a higher political status or one that may be better.

Bearing in mind what I have said, I shall endeavour to lay before the Members the facts that confront us. The Tax Ordinance, so far as it applies to the municipal area of Lagos, is an enlightened community of over sixty years been imbibing justice, British fairplay, and have for very many years been following municipal practice and election laws. We have for many years been following the guidance and protection of the Government. There is a flourishing revenue and an astounding excess of Government to impose without necessity, and without any degrading in its condition, a degrading because of its art of the people I represent it is a violation of the principle of the Territories, as the Queen's crown, jurisdiction, and go

Your Excellency admitted the other day that we have a surplus of five million pounds, and although Government still has these funds you are asking the people to pay 10s. a year each towards a general direct tax, and with the exception of school boys and people who come from the Provinces every male person of sixteen years and upwards has to pay.

Now we must not lose sight of the fact that according to the constitution of this Council no man under twenty-one years of age has the right to vote, and I am submitting that if a man has not sufficient intelligence to vote, he has not sufficient intelligence to make sufficient money in order to pay this tax. (Laughter). If a man of sixteen years has not the sense to vote he has not the sense to work or to pay any tax.

Now it is true that the Native Revenue Ordinance is going to apply to the Colony, and of course, my honourable friend the Member for the Colony Division says that we oppose these things because we say that Lagos is not going to be improved by any taxation. Personally I never said anything of the sort. I am opposing this motion because there is no necessity for it, and if it is passed I should like Your Excellency in the Report, to point out this protest, because since the majority of the Council wish it to be passed it certainly will be. Also there is a feeling I have of a tendency in Nigeria, as in many other Crown Colonies where the majority of the Administrators rule, that might is always right, and if we oppose any measure I hope it will not be taken that we want to make ourselves objectionable, or that we are trying to acquire notoriety. But somehow we feel that in matters like this where Government feels it is doing the right thing to spend hundreds of thousands of pounds in order to introduce equity, it would cost the Government less to take proper measures to tell the people who have been asked to pay and to induce them to pay, than to take measures to force them to pay at an expense to the revenue of £100,000.

The Hon. the Second Lagos Member:—

I rise to speak in favour of the amendment, and in view of the petitions that have been laid on the Table and also that they were referred to by the Honourable the First Lagos Member, I think I may say that in supporting this amendment I am doing so not only on my own personal account, but also on account of the entire African community of Lagos and Badagry, with the possible exception of the Honourable the Member representing the Colony area of Nigeria outside the municipal area of Lagos, although even the people of Badagry have sent in a petition praying that the Bill may be made not to apply to them.

It has been said, Sir, that the object of a sound Colonial policy is to raise the people to a higher level wherever that may be found, and it follows as a necessary corollary that it should be the moral obligation of every such Colonial administration not to impose upon the community a measure that is repugnant to the community or one that may have a retrogressive effect on their political status.

Bearing in mind what I call this doctrine of administration, I shall endeavour to lay before Your Excellency and Honourable Members the facts that confront us in connection with the General Tax Ordinance, so far as it relates to the Colony in general and to the municipal area of Lagos in particular. Here, Sir, in this enlightened community of ours, Lagos, where the people have for over sixty years been imbuing freely of the principles of British justice, British fairplay, and British traditions, where the people have for very many years been inducted into the principles of municipal practice and elective representation, where the people have for many years been receiving their training under the guidance and protection of British political institutions; where there is a flourishing revenue, with its colossal surplus representing an astounding excess of assets over liabilities, this attempt of Government to impose without any just cause, without any urgent necessity, and without any useful object in view, a tax which is degrading in its conditions, degrading because of its inequality, degrading because of its arbitrariness and because in the opinion of the people I represent it violates the sacred principles of trusteeship and is a flagrant violation of the Treaty of Cession of 1861 wherein it is stated that the inhabitants of the said Island and Territories, as the Queen's subjects, and under the sovereignty, crown, jurisdiction, and government shall be suffered to live

there," is, I suggest, a retrograde policy, Your Excellency, not calculated to inspire in the governed any degree of confidence in the Governing Body of this country. Why? Because it will create in the minds of the community a feeling that it is the intention of Government to introduce a policy of oppression and one of repression as opposed to one of liberalism, and because it will create in the minds of the community a feeling that it is the set and firm intention of the Government to slam the door of opportunity against the people whose loyalty is proverbial. Your Excellency is a student of public finance, and you are aware that Capitation or Poll Taxes were familiar expedients in the history of medieval finance, but I say with very little fear of contradiction that nowadays no modern State could employ such a measure as a source of revenue, and the reason is not very far to seek, Sir, because what is expedient and suitable in a primitive state of society is not suitable to a progressive one such as the community and society of Lagos claims to be at the present time.

Sir Frederick Lugard was, I think, the first Administrator who introduced that form of taxation into the country then known as Northern Nigeria, but which is now known as the Northern Provinces, and even he very naively admitted that "a Capitation or Poll Tax (misnamed a 'hut tax' since it is levied upon each adult, and not on his house) is a class of legislation applicable only to the lowest forms of human society, where every individual is practically on the same level and such forms of wealth as exist are held in communal ownership," an admission which is in agreement with the views of the leading authorities on public finance.

The question that naturally arises now is whether the Administration suggests that the society in Lagos is a rather lowly form of human society, whether the Administration is suggesting that every member of the community is equally on the same level, and whether the Administration is suggesting that such forms of wealth as exist are held among the community in communal ownership? If this is not so, I make bold to ask what reasons exist for the attempt to introduce a measure which in its application is admitted to be suitable only for the lowest forms of human society? I can see none, Your Excellency.

The Honourable the Attorney-General who may be described as the keeper of the official conscience of the Executive, is a legal man, and he must have an absolutely correct conception of the sacred relationship between statutes, and the seriousness of any attempt to violate any of the conventions of the Treaty such as, for instance, the Treaty of Cession entered into between such high contracting parties as Her Majesty, the late Queen Victoria of blessed memory, and the late King Docemo.

In order as it were to soothe the conscience of the Executive so that in introducing the Bill it would not appear that they were flouting the Treaty or treating it as a "Scrap of Paper," he has placed in "Objects and Reasons" that the Bill is—

"To provide for the levy and collection of a tax of ten shillings per annum, payable by every adult male person resident in the Colony, with effect from the 1st April, 1928, the date upon which it is proposed to apply the Native Revenue Ordinance to those Provinces of the Protectorate to which it has not yet been applied. The Bill is modelled on the Native Revenue Ordinance, but with the necessary omissions, additions and modifications."

Your Excellency and Honourable Members. I read in this note a reason for the necessity for the enforcement of taxation, but I do not think that this Ordinance is to be a legal instrument by which that tax is to be levied and collected. Your Excellency must himself have had such an idea because in your Address in February you went out of your way to take the Council a little bit into your confidence. On page 96 of your Address it is stated:—

"Considerations of uniformity, or even of equity, are not the main reasons for the present proposals, at least as far as the Eastern Provinces are concerned. Nor are they put forward as a device for raising revenue. Nor is it to be supposed that they will be welcomed by the mass of the people who at the outset will be conscious of the burdens rather than of the benefits. It is, however, the ultimate benefits to the people themselves which in my judgment supply the main arguments in support of the scheme now proposed. The

nature of those benefits can only be appreciated by observing the results that have attended the introduction of taxation in other parts of Nigeria. The outstanding and most beneficial consequence has been the strengthening, consolidation and development of Native Administrations.

From this passage it is clear to my mind that there has been no outstanding benefit to the people because as Your Excellency will admit the term "Native Administrations" and the term "to the people themselves" are not synonymous. It is first stated that it is the ultimate benefits to the people themselves that form one of the main arguments in support of the scheme now proposed, but the honourable gentleman has also stated that it is the "outstanding and beneficial" consequences to the Administration, and I am submitting with all due respect that Your Excellency's criticism has not been substantiated by Your Excellency's argument.

Let me on the other hand endeavour to lay before you, Sir, what has been the outstanding result of the imposition of this form of taxation to other parts of the Southern Provinces. I believe it is now about eleven years since Sir Frederick Lugard first introduced this system of Capitation or Poll Tax into what is now known as the Southern Provinces. The net result has fallen very severely upon the people because although they had been accustomed to the payment of excise duty and tolls, yet those taxes had been assessed on trade, and not on heads or persons. I think I am correct, Sir, in saying that so violent was the opposition that it led to a number of native risings with a corresponding number of so-called "Expeditious," with their attendant loss of life and property to quell these native risings. So violent was the opposition that I think I am also correct in saying that the number of native risings and the number of corresponding so-called "Expeditious" which happened in the districts very soon after the introduction of that form of taxation was very much greater than the number of native risings and corresponding "Expeditious" within the time when that portion of the Colony came under British rule, and the first introduction of that form of taxation into the Colony. To-day, Sir, although there is an apparent calm in the payment of those taxes, a calm which is engendered by the might of Great Britain on land, in the air and on the water, nevertheless I think it is true that the position has not improved, because the extent of hardship which has been the result of the payment of those taxes upon some people is so great that a good many have had to sell their homes and have had to leave the district in order to avoid the payment of the tax. Your Excellency can such a condition of affairs be said to be one of "outstanding benefit" to the community or to the people themselves? I say "No," Sir.

Turning to the Colony, Sir, you on page 100 of your Address say that the "arguments for taxing the Colony are of course mainly founded on equity." Now, Sir, what is "equity" and how is that principle of equity to be applied in this case? I do not know what legal definition of the word the Honourable the Attorney-General is prepared to give, but to the lay mind in a general sense, "equity" is purely justice, and even from a technical point of view "equity" may very rightly be described as a law which is intended to supersede or to amend an already existing law on the ground of its superiority. Now is the Administration suggesting that the law providing for the levying of a Capitation or Poll Tax (which is admittedly suitable for only the lowest forms of human society) has some benefits and is superior to one which has no such provisions? Your Excellency, I do not think so. His Honour the Lieutenant-Governor himself supports the measure on the ground of "equity;" he told us so a little while ago.

The question now arises whether a measure such as this Poll Tax which lowers the status of an individual, a measure which will impose on the community such degrading conditions, is one which can be described as equitable? I say "No," Sir, because such a measure will bring us down from our present political status to the much lower category of protected persons although we have for many years been living in the Colony under the protection and guidance of British law and British justice, as members of the British Colony. What then may I ask, Sir, have we done to deserve what is indeed a penalty? What crime have we committed that we are being penalised by the introduction of a law which, in its application, will brand us as slaves? During



the great war years, were we as a Colony behindhand in loyalty to His Majesty? Your Excellency will remember the contribution from the Colony to the Red Cross Society in Europe, and our offer to shoulder the burden of the interest of, I think, six million pounds sterling of the War Loan (I am open to the correction of the Honourable the Treasurer) will tell you "No," Sir. Why then should you introduce a measure which, in its application will surely convulse the people and bring about a condition of violent unrest where there is comparative peace and tranquility? It may be said, Sir, I believe it has been said, that we in Lagos ought not to grumble at the prospect of paying "Capitation" or Poll Tax because the British "Raja," our lord and master, pays an income tax in his own home. I cannot say I sympathise with this paying of income tax especially when it is considered on what very high incomes it is assessed. But even then, Sir, the conditions under which his income tax is being paid, and the conditions under which we are being asked to pay the "Capitation" or Poll Tax are so different as to make comparisons odious. For instance, income tax is a mark of ultra civilisation while "Capitation" or Poll Tax is undoubtedly a mark of a degraded civilisation: income tax is assessed on a fixed basis in proportion to the salary or income of the people, but "Capitation" or Poll Tax is to be assessed at a flat rate which makes it notoriously unequal; income tax payers share a corresponding measure of representation, but payers of "Capitation" tax, as far as I know have no measure of representation. Income tax carries with it certain benefits to the community, unemployment dole for instance, pensions for the aged and infirm, and several other advantages which payers of income tax enjoy. What are the special advantages being held out to us to make up for the very heavy sacrifices which the payment of "Capitation" or Poll Tax will entail upon the community? None whatsoever, Sir.

It might also be remembered that we have our own municipality, and in consequence, Sir, we are being burdened with a multiplicity of rates and taxes. I have twenty-six rates and taxes down here, Sir, which we pay, and I submit the Administration should consider the expense at this time of the world's history when times are very hard.

For these reasons, therefore, the entire African community implore Your Excellency that it will be your pleasure that this Bill be not enacted into law. Human nature is human nature the whole world over, the Governments and Councils of the peoples and nations notwithstanding. Your Excellency and the Honourable Official Members and some of the Unofficial Members belong to the nation of sportsmen, and I may remind them that it is as bad to inflict upon a community a measure which is repugnant to the community as it is unsportsmanlike to ride a willing horse to death. To crush the spirit of an individual, community or nation is not the way to enhance the loyalty of that individual, community or nation, as a certain European nation found to its cost when it was too late.

I therefore again beg Your Excellency, and I hope that even at this last moment wiser counsels will prevail, for it must be admitted that all good Government rests upon the consent of the governed, and no administration can lay any just claim to any measure of success which is founded upon the principles of might as opposed to the principles of right.

In the *Nigerian Spectator* of 12th March, an appeal was made to His Excellency and the Honourable the learned Attorney-General in the name of the men and women of Lagos and in the name of every rank, in the name of prosperity and lastly in the name of human nature itself, that it will please Your Excellency to kindly withdraw the Bill entitled "The General Tax (Colony) Ordinance, 1927" so that we may rest in peace and be permitted to continue to enjoy the freedom we have hitherto enjoyed under the aegis of British justice, British law and British traditions. (Applause.)

The Hon. the Member for the Colony Division:—

I am not quite sure, Your Excellency whether it will be convenient for me to address the Council at this stage?

His Excellency:—

I think this stage would be more convenient.

The Hon. the Member for the Colony Division: --

Your Excellency. I must confess I cannot quite understand the arguments that have been used by my honourable friends who are opposed to this Bill. The Honourable the First Lagos Member said that the papers are all opposed to the Bill, but that he has seen nothing in the *Nigerian Pioneer*. Well, I happened to consult the editor of the *Nigerian Pioneer* and he told me the best thing I could do was to hold any opinions that I have until this Council meeting.

Now the speakers who have addressed this Council seem to me to have ignored entirely the chief aspect of taxation, and here may I say (these are not my own words, I am quoting from Mill) that "the subjects of every State ought to contribute towards the support of their Government as nearly as possible in proportion to their respective abilities, that is in proportion to the revenues which they respectively enjoy under the Protectorate or State."

The expense of going to the individuals of a great nation such as this one where we Africans are concerned, is like going to the manager of the joint tenants of an estate who wish to contribute to their respective interests in that estate.

We are not to consider whether the revenue of Nigeria is adequate or inadequate. The question is, what is our duty to the State? The Government are always considering ways and means for our advancement, and when the next moment we are called upon to show how we can foster that advancement by paying an extremely small sum of 10s. per head, what is the result?

The Honourable Member who has just spoken talked about equity and asked is it fair to be paying what, after all, is a system of income tax? Our labourers enjoy the benefits of water, they enjoy the benefits of light and the benefits of roads, and yet they refuse to pay a small tax. There is always one thing that surprises me here. When a Bill is brought before the Council which requires careful consideration, and careful nursing, there is always this opposition to it. It has never been found easy to pass such measures. Those who are opposed to this measure were also opposed to the Water Scheme Bill, but they are very fortunate to have had water brought right to their houses; when it came to the question of light, the Bill was opposed, but to-day I do not think there is a man here in Lagos who would like his light cut off, although he does not want to pay for such an advantage.

Honourable Members should bring an open mind to the subject. If it is just, if it is lawful that the people of Sokoto should pay that 10s. per head it is equally fair and lawful for the Government to say that you in Lagos should pay this tax. It is the law.

Now, Sir, I hope at a later stage some concessions will be made. I do not think that the object of the Government is just to get money. The object of the Government is to find a way to help the governed, to help them progress. You cannot always do that to the satisfaction of all sections of the community.

Again, there has been too much said about the petition from Badagry. It may be within the memory of some of you gentlemen that on the arrival of Sir Hugh Clifford, a petition was fired at him; it was a very lengthy document, and His Excellency's sole expression of opinion as regards that petition was that there were 13,000 signatures, but that that did not impress him. Only recently, Sir, when I had an opportunity during my tour to scrutinise and investigate that petition for other reasons, it depressed me because many people who were purported to have signed it denied all knowledge of the existence of the document.

I can quite imagine, especially at this time of the fast when they are taking no food for twenty-four hours, that these people will be going round inciting the petitioners against the Government. There is no dispute whatever that can take place over this question of a 10s. tax. The only thing I wish might be given us is a promise by Government that the tax will be collected in a manner whereby it does not press on the people, and I am certain that Government will give this matter sympathetic consideration.

I do not want to touch too much on the National Democratic Party or any other Party. After all, Sir, those parties do not impress me, and I do not think they impress Government. We are trying to make a beginning and so long as that beginning can be made on good lines, I support that beginning, but when an

attempt is made, which I very much regret, to set one part of the Colony against the other part of the Colony, it falls flat on the heads of those who attempt to make the trouble. You may talk about Lagos but to talk about Badagry and other districts like you do about Lagos does not interest me at all, and does not impress me.

If people in the Provinces have to pay, then Lagos should pay. If the law says they must pay, why then the Government can say we shall pay as well. I hope, Sir, that this measure will pass and that there will be an end to all attempts at instructing the minds of the people to the contrary. The longer the measure is delayed, the more dangerous it becomes, because you know what certain agitators are doing; you know their intentions. Their intentions are not for the good or the benefit of Lagos, but for their own personal benefit.

The Hon. the Third Lagos Member :—

Your Excellency. I rise in support of the amendment that has been moved by the Honourable the First Lagos Member on the grounds that it has not been shown to the public that there is any necessity for this taxation. We have been paying any amount of rates and taxes that have been levied on us by the administrative authorities. We in Lagos here as consumers have been subjected to the imposition of taxes levied by Government in the form of customs duties, and excise duties, and considering the large surplus revenue that is in the Exchequer at present, and considering also that the amount to be derived from the collection of a general tax will not bring anything to the revenue, rather the contrary, it seems a pity that Your Excellency should have thought it necessary that this Bill should be introduced. I am asked by the constituents I represent to pray and ask Your Excellency to be good enough, and Honourable Members also to be good enough to consider their poor state, and consider also the difficulty they have just now in keeping body and soul together. Therefore, Your Excellency, all things considered, I ask that you will be good enough to allow this Bill to stand over for six months.

The Hon. the Member for the Egba Division :

Your Excellency. The measure in question certainly does not affect my constituency, but I trust Your Excellency will grant me the indulgence of expressing my own personal opinion. I am asking this because some time ago certain discussions took place in this House and I then felt it my duty to support Honourable Lagos Members. The Honourable the Chief Secretary to the Government at that time called me the "Fourth Lagos Member," a name I should not have liked to have, and that is why I am asking Your Excellency's indulgence this afternoon, not because I wish to have that name of "Fourth Lagos Member" falling upon me a second time, but because I think it my duty, as I sit here, to explain whatever points I feel the Government are not quite sure of, and clear up any doubtful points in the interests of the community.

Your Excellency has heard a great deal about this Bill, and several petitions have been forwarded to you. I am sorry I cannot agree with my honourable friend on my left, Mr. Ajasa. I feel there is something operating behind the minds of the community if they feel they want to send a petition to Your Excellency asking that this Bill be postponed. The very fact that this community has always been known for its loyalty in the past, that it is known for not putting any obstruction before Government encourages me to ask Your Excellency to consider whether this is an opportune moment for launching a measure of this sort.

Now the first reason that was adduced for this measure was the raising of revenue, but it was found that that plea would not hold water. It has now been sprung on the community in the name of "equity." The word "equity" I would point out, Sir, means much more in the Yoruba language than it does in the English. I turned up my dictionary and when I saw the word "equity" explained in English, I wished I had the opportunity of explaining the English meaning of the word in the Yoruba language. What is "equity?" When you say I should pay 10s. and my cook should pay the same where does equity come in, Sir? (Hear, hear.) When the plea of equity was sprung upon us it seemed to me so ridiculous that I thought there must be something else in the Government's mind, and certainly if there is anything

else, the Council should be informed. The question of revenue cannot stand the test, nor can the question of "equity." What is the Government driving at? There must be something in it. Personally, I am prepared to pay my 10s., but I think if there is something more behind it, the Government should let us know what it is, so that we can lend every assistance and help the Government to carry out the scheme in its entirety. I cannot understand the position.

The point that was brought forward in the petition of the people of Lagos was the poverty of the people. Your Excellency might not altogether realise the trials and tribulations of the people of this community. You may see them driving about in motor cars; you may see them decked out in beautiful dresses and diamonds, but I can assure Your Excellency that there is actual poverty in this community just now. There are only a few who have anything much to boast of and indeed it is a constant struggle to see how we can relieve this burden of poverty, how we can assist each other, and how we can help the unemployed. It would be better to have an unemployment dole than a poll tax. I can assure Your Excellency that your name will be an indelible one in the annals of the history of this Colony if, after giving your earnest consideration to the arguments that have been brought forward, you will consent to hold up this Bill. (Applause.)

The Hon. the Banking Member:—

Sir, although I agree with the Honourable the Member for the Colony Division that no case whatever has been made out for the exemption of Lagos from direct taxation, it does seem to me that there is some inconsistency about this Bill. We are told that in certain Eastern and Central Provinces there is no machinery existing at present for the collection of an income tax, a graduated tax, that such machinery, however, is to be improvised. Now, Sir, in the case of Lagos we are informed that it is quite impracticable, that the only thing we can do in the way of taxation is a crude thing which, and I think rightly so, is causing so much resentment among some of the previous speakers.

There is something degrading, I consider, about a tax based on "heads." The Honourable the Attorney-General in his speech stressed, and I think rightly, the need for placing the burden of taxation upon the shoulders of the people in, as far as possible, an equal manner. Now can you seriously contend, Sir, that the labourer of sixteen who lives probably on the verge, if not of starvation, certainly lives right up to the very limits of his earnings, can you contend, Sir, that the burden falls as lightly on him as it does, say, on myself? I think it is most unfortunate that the word "equity" was brought into the discussion at all. This, I think, is one of the most unfair efforts that has ever been pushed on to an enlightened community. I quite realise the difficulties, the extreme difficulties of assessing a place like Lagos with income tax. Surely, Sir, it should not be impossible to arrange for a graded tax varying say from 2s. to £20 per annum? That should bring in just as much revenue, and surely there are various means of arriving at the statistics, and at the data for the assessment of this. We have for instance the list of electors of Lagos, all of whom are supposed to be in receipt of an income of £100 a year and upwards. That, I suggest, might act as a boomerang in some cases. Then we have the list of rate payers, and Lagos I think is the only place in the Colony or Protectorate that keeps vital statistics. Surely if an attempt at an income tax can be made anywhere in Nigeria, Lagos is the place? I do not suggest that the time has come when corporations should be assessed for income tax. Obviously it would be impossible; they are already taxed to their capacity in the United Kingdom, and any taxation of them would of course have to be made by arrangement with the Home Inland Revenue people.

I do hope, Sir, that you will, in the course of Committee on this Bill, find it possible to suggest some less crude form of taxation of the people of Lagos.

I would like to take this opportunity of replying to the Honourable the Chief Secretary's point which he made in regard to a possible reduction in import duties to counter-balance the increased direct taxation. He tells me that the actual effect after these Bills are passed will be that Government revenue will be £100,000 down. That, Sir, seemed to me remarkably like begging the question. Surely the extra amount allowed to the Native

Administration will be spent presumably on public works and must relieve the Exchequer, the Colony Exchequer, to a very great extent. If it is not, it is a proof that the money is not being wisely spent.

The Hon. the Member for the Oyo Division:—

Your Excellency, I would like to make a few remarks. Things where I have come from are different from those in Lagos, because in Oyo we are paying taxes and we are sharing in the Government. We are glad we are paying. Generally in Africa no officers are paid; our concillors are not paid; our Chiefs are not paid. It was when the Native Administrations were set up that there arose this question of paying the Administrators, and that is more agreeable. Well, I settled down to that. Now our Chiefs, our Obas are being paid from the taxes that we raise. We gladly do that. If any attempt is made to increase the taxation in our community it will be well received. Why? Because we consider it a privilege to maintain our Chiefs and our Obas.

You have no Native Administration here, and your revenue is sufficiently large. You do not want any more money. Nobody spends money when there is no necessity. If the prospect is there that by and by if it is possible that this Government will give place to a Native Administration, that will be the time to introduce such taxation. But to my idea this is not tenable.

There is sufficient money in the hands of the Government to carry on, and an excess too. Consequently it seems an act of coercion to ask for money when you already have sufficient. No family or head of a family will ask his son, his brother, or any of his kindred to bring money to spend unnecessarily. On the same principle if you have money enough for the expenses of the country and there is a surplus, it does not seem reasonable that you want to ask the people for more money. It seems to me most unsatisfactory, especially the point that has been raised that because the people in the interior and other Provinces pay, then Lagos ought to pay. That is no argument at all. The argument for bringing money in is the necessity for it; in the absence of the necessity for spending money, then there is no argument for collecting it.

The Hon. the Commercial Member for Lagos:—

Your Excellency, I should like to be allowed to say a few words in regard to this measure which I wish to oppose as strongly as I possibly can. I should say to start with that I am not acting as spokesman for the Lagos Chamber of Commerce. The Lagos Chamber of Commerce has decided, and rightly I think, that this is a political matter which does not justify them expressing a view one way or the other, but I am voicing, I think, the views of the large majority of the individual members. I am also voicing the views of such of my African fellow citizens as I have been able to get in touch with.

I have deeply and anxiously considered this measure and I have tried to get the opinions of those whose opinion is entitled to the most respect and as far as I have been able, I have got the opinions of people who would not mind any more than Mr. Pearse would, paying 10s. themselves, but who on sufficient and patriotic grounds are opposed to the imposition of this tax on the mass of the citizens.

Now, Sir, there is a book with which I am sure Your Excellency is familiar. I refer to Adam Smith's "Wealth of Nations." I remember reading it years ago and studying it very carefully. As Your Excellency is aware, that book contains axioms on taxation which, I think, are held in the highest respect to-day as principles for the guidance of legislators in imposing taxation. I have not unfortunately been able to lay my hands on a copy of that book, but as far as I remember, this Bill transgresses every one of those axioms on taxation. One of them was to the effect that taxation was a pill that should be made as palatable as possible. This pill, however, is being administered in the crudest possible form. Another was that regard should be had to the ease and inexpensiveness of the costs of collection. It seems to me that this tax will be extremely difficult to collect and will only be collected at great cost and will cause the greatest possible irritation in its collection.

One of the principles of taxation, which is repeated in the extract from Mill's "Political Economy" which the Honourable Member for the Colony Division was good enough to read, but which he completely misunderstood, is that taxation should be built on sacrifices and ability to pay. This measure is not founded on equality or sacrifices or ability to pay.

Well, Sir, it seems to me (I don't wish to go into the matter much further) a most unjust measure. A comparison has been drawn between the measure and the income tax legislation at Home. If I may say so, Sir, with all respect, I don't think a more inapt comparison is conceivable. To begin with, the income tax at Home is not levied on an income of less than £160 a year. Anyone receiving under £160 a year is totally exempt, and then the whole thing is graded on the presumed ability of the taxpayer to pay, and each man pays according to his wealth. But this taxation Bill is not based on any principles such as income tax legislation is based on at Home.

I think, Sir, it is a great mistake that the Government should seek to impose this crude, and it seems to me in many cases, invidious tax, and in many cases an unjust tax and in some cases an unsafe tax. There is no urgency for it. It is said we must pay some form of direct taxation because the rest of the country is paying some form of direct taxation. I am rather inclined to believe with my honourable friend on my left, Mr. Becker, that sooner or later we must have some form of direct taxation, but it seems to me that it should be left over for a more opportune moment.

I think the seconder of the motion does not think much of the Bill, but he says it is the best that can be devised, and that really does seem to be the attitude. Surely, granted that we cannot be exempted when other parts of the country are taxed, is it so very urgent that this matter should be put right? It is said to be inequitable that we should be left out, but don't hurry to remedy that inequity by imposing another dozen greater inequities.

The Hon. the Member for the Ibo Division:—

Your Excellency. With regard to this Bill which affects Lagos, it seems to me that all along you must have had a sufficient amount of surplus revenue to protect the people, and there is therefore no reason for Government to say you have got to support this Bill. I therefore rise to second the motion that the Bill be postponed for a further six months because in this matter I disagree with the proposals of the Government. It is our duty to support the Government in all measures that are for the good of the people, but I feel very strongly with the Honourable Lagos Members that this Bill is unjust and I share their opinions that it is impossible to place such a burden on the people of Lagos. I simply cannot find words to express my disapproval. Why should Government at this stage, at this hour, seek to impose this tax? All along I have thought the proposal absurd, and why Government should wish to impose it now is a thing that puzzles everyone.

You have tried hard to bring it into Africa before. You tried it in Sierra Leone, and also in the Gold Coast you tried it, but it failed, and you are now trying it on the people of West Africa. I suggest that in Africa it is not going to do any good.

In Oyo Province just now the people still pay money to their Chiefs; but the reasons for paying this money are not based on selfish grounds. A man may come to pay money to his Chief, who will ask him how much he can pay. If he says he has left children behind, he will not have to pay so much; the Chiefs do not take money merely on selfish grounds.

Every year you publish estimates of revenue and expenditure, and every year your revenue shows a surplus balance. But you are not satisfied with that. You want to raise more money, but where from? There are one or two groups of people who have more than others; are you going to ask them the value of their crops, how many goats they have, and how many sheep and how much money they possess?

I hope this measure will not affect that good opinion which at present exists between the Government and the people, whether the Bill is got through or not. We are not against the Government, but we wish the Government to learn that if they continue to pass such measures, in the course of time we shall not have a leg to stand on.

Council adjourned at 5 p.m.

DEBATES
IN THE
LEGISLATIVE COUNCIL OF NIGERIA.
ON
Tuesday, 5th April, 1927.

Pursuant to notice the Honourable the Members of the Legislative Council met at the Council Chamber at 10 A.M., Tuesday, 5th April, 1927.

PRESENT:—

- The Governor,
His Excellency Sir Graeme Thomson, K.C.B.
- The Chief Secretary to the Government,
The Honourable Mr. F. M. Baddeley, C.M.G.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major U. F. H. Ruxton, C.M.G.
- The Attorney-General,
The Honourable Mr. D. Kingdon, K.C.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. T. B. Adam.
- The Treasurer,
The Honourable Mr. D. S. MacGregor, C.B.E.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B.,
C.S.I., C.M.G., D.S.O., R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Acting Secretary for Native Affairs,
The Honourable Mr. G. J. F. Tomlinson.
- The Honourable Captain W. A. Ross, C.M.G., Senior
Resident.
- The Deputy Chief Secretary,
The Honourable Mr. T. S. W. Thomas, O.B.E.
- The Acting Secretary, Southern Provinces,
The Honourable Major C. T. Lawrence, O.B.E.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, C.M.G.
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.
- The Postmaster-General,
The Honourable Mr. G. I. Righton.
- The Second Lagos Member,
The Honourable Dr. C. G. Adeniyi-Jones.
- The Member for the Colony Division,
The Honourable Mr. Kitoyi Ajasa, O.B.E.
- The Member for Shipping,
The Honourable Mr. H. S. Feggetter.
- The Member for Calabar,
The Honourable Mr. K. Ata-Amonu.

- The Banking Member,
The Honourable Mr. W. F. Becker.
- The Member for the Ibo Division,
The Honourable Mr. I. O. Mba.
- The First Lagos Member,
The Honourable Mr. E. O. Moore.
- The Member representing the Niger African Traders,
The Honourable Mr. S. C. Obianwu.
- The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Third Lagos Member,
The Honourable Dr. J. A. Caulerick.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Resident of the Colony,
Major W. Birrell Gray, (Extraordinary Member).

ABSENT:—

- The Lieutenant-Governor, Northern Provinces.
The Commandant.
- The Honourable Mr. R. A. Roberts, C.B.E., Senior Resident.
- The Honourable Mr. E. J. Arnett, C.M.G., Senior Resident.
- The Honourable Major J. M. Fremantle, M.B.E., Senior Resident.
- The Honourable Mr. G. W. Webster, M.B.E., Senior Resident.
- The Honourable Mr. J. C. C. P. Sciortino, Senior Resident.
- The Honourable Mr. C. W. Alexander, Senior Resident.
- The Honourable Capt. P. Lonsdale, Senior Resident.
- The Honourable Mr. E. H. B. Laing, Senior Resident.
- The Secretary, Northern Provinces.
- The Mining Member.
- The Commercial Member for Calabar.
- The Commercial Member for Kano.
- The Commercial Member for Port Harcourt.

MINUTES.

The Minutes of the Meeting of the 4th of April having been printed and circulated to Honourable Members were taken as read and confirmed.

RESOLUTION.

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move the following resolution:—

“Be it resolved: That this Council approve the expenditure
“of £80,076 as detailed in the Supplementary
“Estimates for 1926-27 which were laid on the Table
“at the last meeting of this Council and passed
“Finance Committee on the 5th of April, 1927.”

The Hon. the Treasurer:—

I beg to second.

The Hon. the Member for Calabar:—

Your Excellency. Before that motion is approved I must call attention to an item which I tried to discuss in Select Committee and the Honourable the Chief Secretary told me to bring it here, and that is item 36—further expenditure on Anti-Plague measures, an additional £10,000 in connection with plague.

Now we are all anxious to get rid of this plague, and I don't suggest there is a single member here who would object to money being spent in order to do so and make Lagos healthy. At the same time we feel that we must see that the money be properly spent and when we are asked to vote money in order to make the place healthy for the people of the country, and we feel that proper steps are not being taken in order to do so, it is only natural that we should ask for further information. It has been suggested by some that the best way to get rid of this plague is to go to the root and cut it off, and they feel that by doing that they will have to upset those people who are living in these congested areas, by having the places broken down and laid out properly. But somehow, either because of the financial side of it, or because the Government is reluctant to do this thing, almost every sum of money voted and every measure taken are such that men like me feel is not the proper way to get rid of this plague.

I believe a good many people in and outside Lagos feel that if the Government had taken proper steps to compensate owners of the places where the authorities say it is congested, by this time things would have been better than they are. I looked at a letter this morning about this plague in Lagos, and I saw that you have had about forty-nine deaths up to the end of March. That being the case, I am suggesting that although this money has already been spent and we have not got the power to ask that it be given back, that Government should take proper steps to get rid of this plague. There is not much money in this country for purposes of upkeep, and Government has found it necessary in order to get equity to ask the people to pay more money, and if you go on paying, paying, paying, I do not know what the end of this Colony will be.

The Hon. the Member for the Egba Division:—

Your Excellency, there are one or two points to which I desire to call attention. I wish to raise the point of the supplementary allowance to the Drawing Master at King's College. Last year I called the attention of Government to the pay of this Drawing Master who happened to be a native of some standing and who is doing very good work, and I think I said that £36 would be too little for a man who fills this position. I understood that the whole position was to be reviewed when the Estimates for this year came forward, but to my surprise I find a Supplementary Vote of £11. I am wondering whether that £11 is in addition to the £36 voted last year, whether it is an increment, or whether it is to make up the deficit on last year's Estimates. I could not get a satisfactory reply to that in Committee and so I thought I would bring it before the Council.

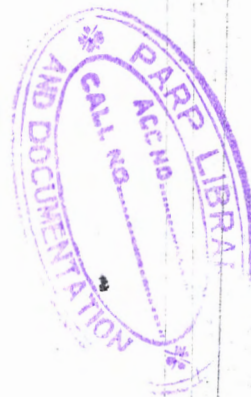
The other point is under Head 32, items 13a and 28a, allowances to Mr. H. E. Walker and Mr. H. G. Garrity.

Well Sir, on turning to the Blue Books I find that these gentlemen are holding two appointments. They are both public executive officers and they are appointments that are very well paid. If they happen to have extra duties at another place once in a while I don't see why they should be paid for that extra work. After all, when they leave their office someone else is doing their work, and they certainly cannot be in two places at the same time. I think the special allowances of £132 and £66 are rather excessive.

I beg to call the attention of Council to this matter.

The Hon. the Director of Medical and Sanitary Service:—

Your Excellency. In regard to this matter of plague, I would call attention to the fact that at the February Session of this Council I suggested that an invitation might be extended to Honourable Members to come and see what we are doing and I also called attention to the fact that an expert had been called in



The Hon. the Treasurer:—

I beg to second.

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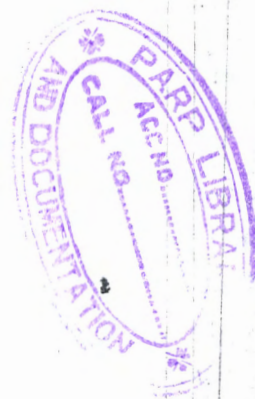
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to suggest what measures should be taken to combat the plague, and that we are carrying out his instructions to the latter and doing the best we can in that way.

With regard to the overcrowded areas, this matter is being carefully handled, and as Your Excellency is aware, it is under consideration.

Compensation is not a medical matter, but I should like to be allowed to express a personal opinion in the matter. A great deal of compensation has been given that might have been avoided, but I am satisfied myself that we are doing the best that can be done under the circumstances, and I repeat my former remarks that it is very easy to throw stones but how difficult it is to get other people to come in and suggest what should be done. We have done all we can and we are prepared to do all we can in the future. All members of this Honourable Council should be given an opportunity of going round and seeing at first hand what we are doing.

The Hon. the Chief Secretary to the Government:—

Sir, the extra allowance drawn by Mr. Walker is in respect of work in connection with the Public Works Sawmill and wood stores at Ijora. Up to recently the sawmill and wood shops at Ijora were managed by the Works Manager, but the appointment has been vacant for some time and no other officer has yet been appointed to fill it. Mr. Walker occupies a position in the Headquarters Office of the Public Works Department and combines the two duties, one in the Headquarters Office and the other in the sawmill. Mr. Garrity is the Foreman in charge of the workshops at Ijora. The lack of a Works Manager means that a great deal of additional work falls upon both Mr. Walker and Mr. Garrity, and after they had been performing these double duties for some time with satisfactory results, Mr. Cox, Director of the Public Works Department, recommended to the Government that both these officers should draw an extra allowance in respect of these duties. The Government fully considered the question and decided that the allowances were well deserved and were being well earned.

Following my own investigations I am fully in agreement with the recommendations made by Mr. Cox.

The Honourable the Member for the Colony Division raised the question of an allowance to the Drawing Master at King's College. I should like to point out that this is not extra pay at all. It is due to the fact that the officer who does that work does so outside office hours and it was thought that some slight extra remuneration was only fair to the officer himself.

The motion was carried unanimously.

His Excellency:—

Honourable Members of the Legislative Council. Before proceeding further with the debate on the General Tax (Colony) Ordinance Bill, I should like to make a few observations on the subject and first in regard to the proposal for a flat rate which has been so strongly criticised by almost every unofficial Member of this Council. I wish Honourable Members to appreciate that Government is fully aware of the objections there were to that proposal: what induced the Government to introduce the proposal was this. We were all of us absolutely convinced that it was a matter of justice and fairplay that taxation in the Colony should be introduced from the same date as taxation in the hitherto untaxed Provinces. That left a bare twelve months in order to introduce the complicated machinery required for a graduated scheme of taxation.

In proposing to the Secretary of State that taxation should take the form of a flat rate I made it clear to him that this was merely a temporary expedient, to my mind an undesirable expedient; but both my advisers and myself were doubtful whether the complicated and delicate machinery needed in connection with a graduated scale of income tax could be introduced and brought into operation satisfactorily within a period of twelve months. We still retain those doubts. We had hoped to meet some of the opposition which was sure to be brought against the flat rate by making this rate a very low one. I find that opposition still existing and that it is very strong.

After listening to the speeches of Honourable Members I am of opinion that it would be better to introduce an income tax on a

graduated scale even though the machinery in the first year of collection may, and will be, very inadequate, rather than to introduce a flat rate which, as Honourable Members have pointed out, is based on no really equitable principle. (Applause.)

I therefore propose that the Bill should be referred to a Select Committee of the Council consisting of five Official and five Unofficial Members to advise me on a graduated scale for application as soon as possible in order that the machinery may be got ready within the limited time available. That Committee will also, as well as drawing up a schedule of rates, report to the Government at the earliest possible date on the consequential amendments arising out of the altered form of the Bill. It will clearly also be necessary for Government to take powers to compel people in Lagos Colony to disclose their incomes.

I have explained therefore to Honourable Members that with regard to the criticisms on the flat rate I have accepted their suggestions. With regard to the amendment at present before Council I am afraid I must speak in very different terms. The wording of that amendment as it stands would merely suggest that taxation of the Colony should be postponed for six months, but the manifest intention of the mover and seconder of the amendment and of almost everyone who has spoken on it is that the Bill should be shelved with the obvious intention of not having the Colony taxed at all.

Now I would ask Honourable Members to consider the position in which they will be placed if the Legislative Council adopts that suggestion. Only yesterday this Council by an overwhelming majority—to be strictly accurate, by a majority of twenty votes to seven—imposed direct taxation on the five hitherto untaxed Provinces. Honourable Members now wish the Government to say: "We acquiesce in twenty-two of the twenty-three Provinces that comprise Nigeria having, in addition to their indirect taxation, also a direct form of taxation, but hands off the Colony." I should like to examine very briefly the grounds on which this astounding amendment has been asked for. The first ground on which it was asked for was that there was no need for the money, that Government did not need the money. I should like, if Honourable Members will allow me, to read one or two brief extracts from my annual Address in contravention of that statement:—

"That the possibilities of social and economic development in Nigeria during the coming years are immense I have no shadow of doubt, nor is it open to question that a sum far in excess of the present revenue could be spent to advantage every year in fostering such development.

"When funds are manifestly inadequate to cover even the most essential services the difficulty of framing satisfactory estimates of expenditure is very great and it is all the more necessary, for Government to be guided so far as possible by a clear line of policy and to form some conception of the relative importance of the multifarious problems which confront it."

And again:

"... I wish here merely to state that the deficit has only been reduced to its present limits after drastic pruning of the Estimates, a number of most important projects having been struck out, and that if owing to stabilisation of industrial conditions in England the finances in the coming year show considerable improvement, I should feel justified in reconsidering certain items which have for the present unavoidably been omitted."

I can assure Honourable Members that there is not a shadow of doubt that if the revenue of Nigeria were practically double what it is at present every penny of it would be spent in highly desirable measures for the development of the country. (Hear, hear.)

The next argument brought forward was: "We are paying rates, why should you ask us to pay any more?" The Honourable the Acting Secretary for Native Affairs has pointed out that those rates are paid in return for services rendered, and that the rates paid do not nearly amount to the money expended in supplying the amenities in respect of which they are paid. I would also point out incidentally that the total revenue estimated to be derived from the very small tax which the Government proposed

to introduce amounted to £30,000 sterling, and that is less than half the annual subsidy which the Government is paying to the Lagos Municipality.

The next statement made is that "we are poor, we cannot afford it." I think it incontestable that, broadly speaking, the inhabitants of the Colony of Lagos are better off than the inhabitants of many of the towns and districts of those Provinces on which Honourable Members have just imposed taxation by passing the amendment to the Native Revenue Bill.

Lastly, it is stated; "We are British subjects, and therefore you must not tax us." I utterly fail to understand that argument. I have never heard of any British subject in any part of the world claiming that because he was a British subject he should be exempted from taxation. I would point out moreover that at the fountain head, in the United Kingdom itself, individual British subjects are more heavily taxed than any other people throughout the whole world.

Now having, I think, briefly met the arguments, if they can be called arguments—which have been brought *against* taxation of the Colony, I now wish to say a little on the subject of the arguments *for* taxation in the Colony. It seems to me that it would be an astounding state of affairs if a body of men such as the Legislative Council, the great majority of whom are resident in Lagos, should press upon the Government and press it to a division that the Colony of Lagos in which they reside should be exempted from taxation, but that every other Province in Nigeria should be taxed. I cannot see any possible defence of that argument. Moreover, those of us who live in Lagos enjoy more of the amenities derived from the spending of the revenue derived from taxation in Nigeria than anyone else in the whole of the country. I do not say that the amenities which are provided are solely for the benefit of the inhabitants of Lagos. For instance there is the harbour, but after all, the harbour enabled many of you to acquire wealth which you would certainly not otherwise have acquired.

You are provided with good roads; you are provided with a water supply and with electric light and other amenities which are enjoyed in scarcely any other part of the Colony, nevertheless you cry out that you should be exempted from taxation. As I have said millions have been spent on the development of Lagos and its amenities and before long Government proposes that further millions should be spent. For one thing it proposes to introduce, what is very badly needed for the health of the town, a water-borne sewerage system at a cost of £850,000. It proposes also, over a long period of years, to introduce a scheme of town-planning of the whole of the less sanitary parts of Lagos. Those schemes taken over a period of years are going to cost millions, and yet the Members of this Council say Lagos Colony should be exempted from taxation. In fact when Honourable Members were rightly criticising the Government for introducing a measure which, I admit, was one of minor and temporary injustice, in the same breath they are asking the Government to approve of a measure which I feel is one of major and permanent injustice. Should the advice of the Honourable Members be adopted, I think that every Province in Nigeria would cry aloud against the injustice of the measure. I think that the Legislative Council would stink in the nostrils not only of Nigeria but of the public outside.

A good deal has been said recently about the desirability of more publicity and advertisement being given to Nigeria, in particular in regard to its products, but I do not think anybody will contend that the form of advertisement this country wants is not publicity but notoriety for the Members of its Legislative Council.

In conclusion I would point out that this amendment before the Council—I think I mentioned this before but I wish to emphasise it—practically amounts to this; that unofficial Members wish us to say that the Colony of Lagos is never to be taxed. If that amendment is persisted in I shall not hesitate for one moment to use the official majority at my disposal to quash it. I would regard that as saving Honourable Members from the consequences of their own action and their own speeches. The Colony must be taxed and to my mind in common fairness must be taxed from the date of the introduction of taxation into the hitherto untaxed Provinces. (Applause.)

The Hon. the Banking Member:—

Your Excellency, I have already spoken on this subject and therefore, strictly speaking, am not entitled to speak again, but I crave your indulgence to correct what I am sure might lead to some misunderstanding in your speech. You have classed the entire Unofficial Members together saying that they are opposed to any taxation in Lagos—

His Excellency:—

May I correct that? I was referring not to the speech of the Honourable the Member for the Colony Division, nor to the speech of the Honourable the Banking Member, nor to the speech of the Honourable the Commercial Member for Lagos, but I feel my remarks apply impartially to the speeches of practically every other Unofficial Member of the Council.

The Hon. the Member for the Colony Division:—

I should like to ask your permission to address you upon one point. I think it is intended to hold a sub-committee of the whole House to consider the question of whether a graduated scale—

His Excellency:—

No! of the whole House. I have suggested five Official and five Unofficial Members. The Honourable the Attorney-General will further elaborate that suggestion.

The Hon. the Member for the Colony Division:—

I stand corrected, Sir. May I ask that the original plan of a flat rate of 10s. per head be allowed to remain for a start? Positively I see very great difficulties ahead. I don't speak for the flat rate as a permanent institution, but I feel that my friends who have spoken on that point did not consider the very great difficulties that a graduated scale of tax would bring. I think if you would allow the 10s. to stand and alter it as early as possible after the coming into operation of the Bill, it would make things easier. If, later, it is considered necessary by Government to have a graduated scale I will fall in line with the suggestion, but I think at present, after having carefully studied the matter, the flat rate would be better, and I ask that the 10s. rate be allowed to stand for the moment.

His Excellency:—

I would repeat to the Honourable Member that that was originally the intention of Government. There were certain obvious objections to the 10s. flat rate, and it is because Honourable Members of the Council as a whole are so convinced of those objections and feel so strongly their importance, that after consulting my advisers I have come to the conclusion that I have recently explained in my speech. (Applause.)

The Hon. the Member for Shipping:—

Your Excellency, I did not speak on the motion yesterday but I should like to take the opportunity of explaining that I can heartily support the views of the Honourable the Member for Banking and the Honourable the Commercial Member for Lagos, and to be quite fair, to admit that a certain amount of taxation in the Colony must of necessity be imposed. (Hear, hear.)

His Honour the Lieutenant-Governor, Southern Provinces:—

Your Excellency has been pleased to clear the ground to a very great extent and you have referred to some of the things that were said yesterday. But there were two slurs cast on the Government and on Englishmen that I must object to, and it was twice asserted, Sir, that might is right on account of power. You, Sir, by your action have just disproved what the Honourable Member suggested; to me it seems incredible that Honourable Members should suggest such a thing. Then it was asserted more than once, I think, that taxation brought people down to the level of protected persons instead of British subjects. That strikes me as a dreadful thing to say. That there should be any difference between a protected person and a British subject except on the points of legal technicalities is unthinkable. The Government of Nigeria, the people of Nigeria are one, and are treated as one and the same whether they happen to live at Badagry or at Ibadan.

Then with reference to this taxation, I am not sure, Sir, whether it was taxation generally, or whether it was the flat rate that was objected to, but I really don't think it was worth while saying such balderdash.

On the general question of revenue, Your Excellency's references in the Address were distorted, for you distinctly said, Sir, after stating that the Bills were not put forward for increasing revenue, at least not primarily put forward for that reason, that you did not propose "assigning any portion of the proceeds of the general tax to the Town Council, if only for the reason that the grant-in-aid already exceeds the amount of the tax that will be paid by the inhabitants of the Municipality."

The tax was in its original state not expected to yield more than £30,000 and Government makes a free grant-in-aid of £63,000 to provide the people of Lagos Township with the amenities they enjoy. I think there is nothing more to be said on the subject. (Applause.)

The Hon. the Second Lagos Member:—

I do not know whether Your Excellency will allow me to say a few words.

His Excellency:—

Not unless it is in explanation of something the Honourable Member has said. He cannot speak a second time on the Bill.

The Hon. the Second Lagos Member:—

It does not refer to your speech this morning, Sir.

His Excellency:—

Then I am afraid not; it is contrary to the Standing Rules and Orders.

The Hon. the Attorney-General:—

In view, Sir, of the decision which you have announced, to refer this Bill to a Select Committee there is only one point in the speeches which have been made to which I think I need refer, and that is the submission of the Honourable the Second Lagos Member that the enactment of this Bill would be a violation of the Treaty of Cession of 1861. The particular clause which he contends it would violate is the clause by which it is guaranteed that the people of Lagos Township be allowed to live there.

I hope I have understood the Honourable Member aright, but really his admission seems to be so obviously preposterous that perhaps it will be sufficient if I state to Honourable Members of the Council that it is my considered opinion that the enactment of the Bill would not be a violation of that clause of the Treaty or of any clause of the Treaty. (Applause.)

In conclusion, Sir, I would like just to make it clear to Honourable Members what it is they will be asked in a few moments to vote upon. There has been an amendment proposed which is to the effect that the Bill shall be put back for consideration until this day six months. The real effect of a vote in favour of that proposed amendment would be a vote that taxation shall not be introduced into the Colony, and that is the question upon which Honourable Members will be asked to vote upon. You have already explained, Sir, and emphasised the importance of the step which Honourable Members will be taking if they vote in favour of such an amendment.

I beg, Sir, to oppose the amendment.

The Hon. the First Lagos Member:—

Your Excellency, I should like to ask, does that mean, Sir, that it will be assumed that those who are going to oppose this motion are opposed to taxation in any form in the Colony? From the speeches made by the various Honourable Members, I gathered that they were opposed to a Poll Tax being imposed in the Colony, and were not all entirely opposed to taxation in any form. I do not say every Member, but that was the general trend of most of the speeches I think.

The Hon. the Attorney-General:—

Do I understand the Honourable Member to say that in view of the announcement made this morning that he withdraws his amendment? (Laughter.)

The Hon. the First Lagos Member:—

Oh no, Sir. His Excellency has announced that a Poll Tax will not now be introduced and I am prepared to consider any other Bill on its merits.

His Excellency:—

I will now put the amendment to the vote. I should like a division taken.

Honourable Members voted as follows:—

For 6.

The Hon. the Third Lagos Member.
The Hon. the Member for the Egba Division.
The Hon. the First Lagos Member.
The Hon. the Member for the Ibo Division.
The Hon. the Member for Calabar.
The Hon. the Second Lagos Member.

AGAINST—22.

The Hon. the Commercial Member for Lagos.
The Hon. the Member for the Oyo Division.
The Hon. the Member for Rivers Division.
The Hon. the Member representing the Niger African Traders.
The Hon. the Banking Member.
The Hon. the Member for Shipping.
The Hon. the Member for the Colony Division.
The Resident of the Colony.
The Hon. the Postmaster-General.
The Hon. the Acting Director of Public Works.
The Hon. the General Manager of the Railway.
The Hon. the Acting Secretary, Southern Provinces.
The Hon. the Deputy Chief Secretary.
The Hon. Capt. Ross, Senior Resident.
The Hon. the Acting Secretary for Native Affairs.
The Hon. the Comptroller of Customs.
The Hon. the Director of Marine.
The Hon. the Treasurer.
The Hon. the Acting Director of Medical and Sanitary Service.
The Hon. the Attorney-General.
His Honour the Lieutenant-Governor, Southern Provinces.
The Hon. the Chief Secretary to the Government.

The motion of the Honourable the Attorney-General that the Bill be read a second time was then put to the Council and carried by twenty-two votes for, to six votes against. The voting was as follows:—

For 22.

The Hon. the Commercial Member for Lagos.
The Hon. the Member for the Oyo Division.
The Hon. the Member for Rivers Division.
The Hon. the Member representing the Niger African Traders.
The Hon. the Banking Member.
The Hon. the Member for Shipping.
The Hon. the Member for the Colony Division.
The Resident of the Colony.
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The Hon. the Member for the Egba Division.
The Hon. the First Lagos Member.
The Hon. the Member for the Ibo Division.
The Hon. the Member for Calabar.
The Hon. the Second Lagos Member.

On the motion of the Honourable the Attorney-General the Bill was referred to a Select Committee, consisting of the Honourable the Chief Secretary to the Government, His Honour the

be unduly restricted. Accordingly in the Bill now before Council, potassium iodide has been placed in Part B of the Second Schedule, that is to say it has been scheduled as a preparation which is not a drug within the meaning of the Bill.

Apart, Sir, from the matters I have mentioned, no important alteration will be made in the Bill to amend the present law. I should like to emphasise this point because when the Bill was first published there seemed to be an idea in some quarters, why I do not know, that drastic alterations in the law were proposed. That is not the case. I would like to add, Sir, that the Government has had the advantage of having this Bill closely and critically scrutinised by the Pharmaceutical Society of Great Britain, and as a result of the criticism of that body a number of alterations have been made in the Bill. Honourable Members can therefore, I think, rest assured that as far as the technical aspects of the Bill are concerned, its provisions could not be improved upon.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Acting Director of Medical and Sanitary Service:

I beg to second the motion.

The Hon. the Second Lagos Member:—

May I ask a question, Sir? I should like to know whether the Certificate of "Chemist and Druggist" will be an inter-Colonial affair as far as British West Africa is concerned? That is to say, will a student who obtains a certificate in Nigeria enjoy the privilege of practising as a Chemist and Druggist, say, in the Gold Coast?

The Hon. the Attorney-General:—

No, Sir, not under the conditions of this Bill. That is a thing which is impossible for us to provide for here. We could not say what effect a certificate should have in the Gold Coast. That is for the Gold Coast to say.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of the Medical and Sanitary Service, Council went into Committee to consider the Bill clause by clause.

The Hon. the Second Lagos Member:

Clause 8. I beg, Sir, to submit an amendment which has met with the approval of the Honourable the Attorney-General, that is to delete paragraph (b) of sub-clause (1) and re-letter paragraph (c) as (b), and to delete from sub-clause (3) the words "shall, and any such licence issued under sub-section (1) (c)."

The amendment was adopted.

The Hon. the Second Lagos Member:

Clause 9. I beg, Sir, to submit an amendment which has also been approved by the Honourable the Attorney-General, to insert after paragraph (a) in sub-clause (1) the following new paragraph:— "(b) A person whose name is on the Register . . . shall be subject to the laws of Nigeria." and to re-letter paragraph (b) as (c).

The amendment was adopted.

The Hon. the Attorney-General:

Clause 25.— I beg, Sir, to move that sub-clause (3) be amended by substituting 26 for 25. That is merely the correction of an obvious clerical error.

The amendment was adopted.

Council then resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of the Medical and Sanitary Service, the Bill was read a third time and passed.

GENERAL TAX (COLONY) ORDINANCE.

The Hon. the Attorney-General:

Before proceeding with the next Bill, Sir, I ask your permission to say that I have been informed that the Honourable the Banking Member has notified me that he will not be able to sit upon the Select Committee Your Excellency has just appointed as he will be absent from Lagos. I would like to propose that the Honourable the Shipping Member be appointed in his place.

April 5, 1927]

His Excellency:--

I will leave it that the Officer Administering the Government should communicate with Honourable Members suggesting a time later on for a further meeting of the Legislative Council. In the meantime the Select Committee will be able to sit, on the return of the Honourable the Banking Member, for as long as they consider necessary.

The Hon. the Attorney-General:--

Then, Sir, the constitution of the Select Committee will remain as originally proposed.

DAINGEROUS DRUGS ORDINANCE.

The Hon. the Attorney-General: -

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to regulate the Imporation, Exportation, Manufacture, Sale and Use of Opium and other Dangerous Drugs."

This Bill, Sir, makes provision for the control of dangerous drugs in lieu of that at present provided in Part 2 of the Drugs and Poisons Ordinance, Cap. 50 of the Laws, the repeal of which has just been agreed to by this Council. New provisions are necessary in order to comply with the Convention signed on 19th February, 1925, at the Second Opium Conference which met at Geneva on 17th November, 1924, to which Convention Nigeria is to adhere. Honourable Members will realise that in matters of this nature which are highly technical, and in which if control is to be effected at all it must be effected throughout the Empire and if possible throughout the world, we must be guided by the experience of older countries, and we must, so far as possible, make our legislation uniform. Consequently, the Imperial legislation on this subject has been taken as a model in the preparation of this Bill. That Imperial legislation consists of three Acts, the principal Act of 1920, and amending Acts of 1923 and 1925. The provisions of these Acts have been consolidated and altered in the preparation of this Bill where necessary to meet local conditions, and to comply with the Convention I have just mentioned.

Part 1 of the Bill provides for the control of raw opium, coca leaves, and Indian hemp. These drugs may not be imported or exported except under licence and may not be transhipped at all.

Part 2 places a ban on prepared opium, that is to say, opium prepared for smoking.

Part 3 controls export, sale and distribution of cocaine, morphine, medicinal opium and similar drugs. A licence is to be required for importation and exportation and distribution generally is to be controlled by Regulations. I may say that these regulations will follow generally and as far as possible the form of the corresponding regulations in the United Kingdom.

Part 4 provides for necessary powers of inspection, the issue of licences, the punishment of offences and arrest of offenders. It also contains the definitions which are by no means the least important part of the Bill.

I shall have, Sir, at the proper time an amendment to propose which I will explain in Committee.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Acting Director of the Medical and Sanitary Service:—

I beg to second the motion.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of the Medical and Sanitary Service, Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General:—

Clause 1.—I beg, Sir, to move that this clause be amended by substituting "1927" for "1926."

The motion was agreed to.

It is proposed that whenever a ship comes into Nigeria having those drugs on board, the Master should have to make a declaration to that effect and a licence should have to be obtained before the drugs are moved on out of Nigeria. This is really a part of the world-wide scheme for the control of these drugs, and is to enable drugs to be stopped at as many points as possible if there is a suspicion that they are for improper purposes anywhere in the world.

I should like to point out that a similar provision exists in the Gold Coast, but the Gold Coast law goes somewhat further than this proposal in the matter of the burden it places upon Masters of vessels. In the Gold Coast the Master of every vessel entering any port of the Gold Coast has to make a declaration whether or not he has any of these drugs on board, whether for the Gold Coast or for ports beyond.

Well, Sir, it seemed to me placing a somewhat unnecessary burden upon the Masters of vessels to call upon them to make that declaration in every case, and so this clause as worded merely calls upon the Master of any vessel, which has these drugs on board, to make the necessary declaration. In that respect, Sir, the provisions I think will weigh considerably less hardly upon shipping in Nigeria than they do in the Gold Coast.

The Hon. the Shipping Member:—

May I thank the Honourable the Attorney-General for his explanation? I take it that this is part of the international scheme of control?

The Hon. the Attorney-General:—

That is so.

The motion was adopted and the Bill having passed through Committee with the above amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of the Medical and Sanitary Service, the Bill was read a third time and passed.

EUROPEAN OFFICERS' PENSIONS (AMENDMENT) ORDINANCE, 1927.

The Hon. the Attorney-General:—

With your permission, Sir, I would ask that another Bill be dealt with at the present meeting of this Council. At the last meeting in February, the Council passed a Bill entitled "An Ordinance to amend the European Officers' Pensions Ordinance." Shortly after that Bill had passed through the Council a despatch was received from the Secretary of State suggesting one small amendment to it, and Your Excellency accordingly withheld your consent, and, under the Standing Orders, referred the Bill back to Committee for amendment. I beg, Sir, to move that Council go into Committee for further consideration of a Bill entitled "An Ordinance to amend the European Officers' Pensions Ordinance."

Council in Committee.

The Hon. the Attorney-General:—

The amendment, Sir, which is suggested is that in the last line but one the word "shall" shall be replaced by the word "may," so that it will read:—

"Any period during which a European officer while in the service of one of the West African Colonies or Protectorates, served, with the consent of the Governor of that Colony or Protectorate or of the Secretary of State, in the Cameroons during or after the Great War, either with His Majesty's Forces or in any other civil or military capacity connected with the state of war may be reckoned as residential service for the purpose of this section."

The motion was adopted, and Council resumed.

RESOLUTION.

His Honour the Lieutenant Governor, Southern Provinces, moved the following Resolution:—

"Be it resolved: That this Council approve a Supplementary Estimate for 1927-1928 of £17,280 to provide for the services of 500 additional Police to be recruited for temporary engagement with the Southern Provinces Police Force."

His Honour the Lieutenant-Governor, Southern Provinces :—

Your Excellency. As the mildest member of the Government I have been given the invidious task of asking this Honourable Council for an increase in the Police Force—invidious because at this particular juncture Council has passed a Bill into Law extending taxation over the Eastern Provinces. Already, Sir, I can hear the old slogans: Taxation at the point of the bayonet: Cruelty and oppression: Women and children. It is useless for me to affirm that with twenty-five years' experience of collecting taxes in Nigeria, I have never seen a bayonet fixed, that cruelty and oppression are loathsome to the collectors who are the English District Officers, that women and children do not come into the question at all except as sob-stuff. Well, sir, no words of mine will turn the slogans, but to the Members of this Honourable Council, all rational men, I will endeavour to explain the circumstances under which the Resolution now comes before you.

Every wise man, when he embarks on a new business venture, even the simplest and safest—such as floating a Nigerian loan—insures himself—and Government is wise. The venture in this case is the taxation of the five Eastern Provinces that have not hitherto been taxed. The population of those Provinces is some five and a half millions, of whom, very roughly, we may say there are two million taxable males. On the whole they are primitive and rather hot-headed people and the majority are removed from the civilising influence of such centres as Calabar, Onitsha, and Port Harcourt. This Council is asked to vote the premium on an insurance against the possibility of any disturbance that youth and ignorance may think of making. Though we may never have felt his hands on our shoulder we all know the soothing influence of the policeman's uniform and among relatively primitive or unsophisticated people the sobering effect is even greater. Needless to say the police have nothing directly to do with taxation, but the opportunity is one that is too good to be missed by the promoters and stirrers up of strife who exist in every territory, and the policeman is needed in the background to check incipient disorder which may occur as the result of drinking in rhetoric.

The premium that the Council is asked to provide in order to check any threatened disorder is an extra 500 men and that is a very low rate. Take the Owerri Province, one out of the five, just as an example. The population is just under two million and the present police force is 224 men, or a constable to every 8,374 of the population. The Council is asked to increase this force by 100 men which would then provide for 324 constables or one policeman to each 6,098 of the population. And so in each of the other provinces. I cannot think that this is a very high rate of insurance—one constable to every 6,098 of the population.

Honourable Members will have noted that the word "temporary" occurs in the Resolution; by this is meant that as soon as the situation in any particular province warrants it the increased establishment will be cut down by absorption of the extra men into the fixed establishment.

Then as to money. Of the amount this Council is asked to provide £8,034 represents salary for six months, £250 for transport, £2,500 for clothing and £6,500 for equipment. It will be realised that these men will require at least six months' training and it is also advisable that they should be drafted into the provinces before the possible need for their presence arises.

Before leaving what I may call the primary motive for the increase that is asked for, I cannot emphasise too strongly that the police will have nothing directly to do with the collection of taxation. African Honourable Members know Nigeria presumably better than I do but never, from Benin to Sokoto or from Bornu to Abeokuta have they seen police employed in collection, and neither have I ever seen them so used and I have been collecting taxes—a mere tax collector—for some twenty-five years. The same well-known methods employed by District Officers for many years past will be extended to the untaxed areas of Nigeria. These well-tried methods do not comport the use of police except in so far as they may be needed to comply with the drastic financial instructions issued by my friend, the Honourable Treasurer, which provide for the escorting of public monies.

But, gentlemen, though the motive for asking you for this £17,000 is primarily one of insurance against possibilities of civil disturbance connected with taxation, still the necessity for an increase of the Police Force exists, quite apart from any question of taxation but justified on general grounds; in fact the motives were so mixed in my own mind that when submitting the current year's estimates for the Police, Southern Provinces, to Government, I included this addition to the establishment, but His Excellency ruled it out as it appeared to him that it would be tantamount to asking unofficial members to vote expenditure on proposals which look into consideration a plan of taxation which had not yet come before this Council; whilst I had been prepared to justify the expenditure on ordinary grounds in Select Committee at the last Session. The advent of taxation necessitates the moving of the Resolution *to-day* but without the institution of taxation an increase, perhaps not amounting to 500 men, would have been asked for at the next Session of this Council.

The general grounds for an increase in police protection which I have mentioned refer to the growing needs of a country in which material progress is daily outpacing spiritual progress; in no country are the two in equilibrium, if they were, there would be no need to enforce law and order. Here in the Southern Provinces material progress is undermining the old tribal restraints, the people move freely from place to place attracted by high wages, but no longer influenced by the public opinion of their own community. It is not unnatural that these young men become unbalanced and that they require more policing than if they were in their own villages. New towns are springing up; there are new centres of trade being opened up the whole time, especially on the Eastern Railway; new ports are being created; all these factors call for an increase in the Police Force. There are also areas which have been stagnating for a long time, and which are removed from any administrative control. It is proposed to administer these remote areas a little more closely and the presence of the uniform there also is required.

Hitherto increases in the Police Force have been in driplets and for specific purposes. In 1914 the Force numbered 1,439 Rank and File, in 1921, 1,720 and in 1926, 2,077, exclusive of the 118 solely employed on the Western and Eastern frontiers. Thus the increase in twelve years has been 638 men, which, considering the districts that have been opened up, the townships, ports and railways which have been created, the extra duties of all sorts which the Police have to perform gives such a remarkably low rate of increase that it redounds to the credit of the Force as much as to law abidingness of the population of the Southern Provinces.

In the Colony itself where the population is both mixed and mobile and where private interests to be safeguarded are on a larger scale than elsewhere, the present force represents one constable to each 353 of the population excluding the handsmen and the railway police. If this Council can see its way to vote the increase proposed by Government, the inhabitants of the Colony will be protected at the rate of 305 to each constable.

I will now move the Resolution that stands in my name:

“That this Council approve a Supplementary Estimate for
 “1927-1928 of £17,280 to provide for the services of
 “five hundred additional Police to be recruited for
 “temporary engagement with the Southern Police
 Force.”

The Hon. the Treasurer:—

I think, Sir, that as the next mildest man of this Council it naturally falls to my share to second the Resolution.

The motion was adopted.

His Excellency:—

Council will now adjourn *sine die*.

Council adjourned at 12.15 p.m.

