



NIGERIA

Legislative Council  
Debates.

FIFTH SESSION, 1930.

(January 30, 31, February 4 & 5, 1930.)



DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA

ON  
Thursday, 30th January, 1930.

Pursuant to notice the Honourable the Members of  
the Legislative Council met at the Council Chamber  
at 10 A.M. on Thursday the 30th January, 1930.

PRESENT:—

- His Excellency The Governor,  
Sir Graeme Thomson, G.C.M.G., K.C.B.
- The Chief Secretary to the Government,  
The Honourable Sir Frank Baddeley, K.B.E., C.M.G.
- The Lieutenant-Governor, Northern Provinces,  
His Honour Mr. H. R. Palmer, C.M.G., C.P.E.
- The Lieutenant-Governor, Southern Provinces,  
His Honour Mr. C. W. Alexander, C.M.G.,
- The Acting Attorney-General,  
The Honourable Mr. J. C. Howard.
- The Treasurer,  
The Honourable Mr. C. W. Leese.
- The Commandant,  
The Honourable Colonel C. C. Norman, C.M.G., D.S.O.
- The Director of Medical and Sanitary Service  
The Honourable Dr. W. B. Johnson.
- 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 Administrator,  
The Honourable Major W. Birrell-Gray, C.M.G.
- The Comptroller of Customs,  
The Honourable Mr. W. K. Duncombe.
- The Honourable Mr. E. R. J. Hussey,  
The Director of Education,
- The Secretary for Native Affairs,  
The Honourable Mr. G. S. Browne,
- The Senior Resident, Oyo Province,  
The Honourable Captain W. A. Ross, C.M.G.
- The Senior Resident, Niger Province,  
The Honourable Mr. J. C. C. P. Sciortino.
- The Secretary, Southern Provinces,  
The Honourable Major C. T. Lawrence, O.B.E.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem.
- The Deputy Chief Secretary,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton,
- The Senior Resident, Zaria Province,  
The Honourable Mr. C. A. Woodhouse.

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- The Director of Public Works,  
 The Honourable Mr. C. L. Cox,  
 The Director of Agriculture,  
 The Honourable Mr. O. T. Faulkner, C.M.G.  
 The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.,  
 Commissioner of Lands.  
 The Honourable Mr. L. Bettesworth (Provisional).  
 The Acting Postmaster-General.  
 The Resident, Benin Province (Extraordinary),  
 The Honourable Mr. H. de B. Bewley.  
 The First Lagos Member,  
 The Honourable Dr. C. C. Adeniyi-Jones.  
 The Member for the Colony Division,  
 The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.  
 The Mining Member,  
 The Honourable Mr. A. L. Butler.  
 The Member for the Ibo Division,  
 The Honourable Mr. I. O. Mba.  
 The Second Lagos Member,  
 The Honourable Mr. E. O. Moore.  
 The Member representing the Niger African Traders,  
 The Honourable Mr. S. C. Obianwu.  
 The Commercial Member for Calabar,  
 The Honourable Mr. G. Graham Paul.  
 The Member for Egba Division,  
 The Honourable Mr. S. H. Pearse.  
 The Member for the Rivers Division,  
 The Honourable Mr. Mark Pepple Jaja.  
 The Member for Shipping,  
 The Honourable Mr. H. S. Peggetter.  
 The Commercial Member for Lagos,  
 The Honourable Mr. R. F. Irving,  
 The Member for the Warri-Benin Division,  
 The Honourable Mr. I. T. Palmer.  
 The Member for Calabar,  
 The Honourable Mr. C. W. Clinton.  
 The Third Lagos Member,  
 The Honourable Mr. T. A. Doherty.  
 The Banking Member,  
 The Honourable Mr. L. M. Herapath.  
 The Member for the Oyo Division,  
 The Honourable Mr. A. S. Agbaje.  
 The Commercial Member for Kano,  
 The Honourable Mr. T. Hepburn (Provisional).

ABSENT.

- The Senior Resident, Cameroons Province,  
 The Honourable Mr. E. J. Arnett, C.M.G.  
 The Senior Resident, Adamawa Province,  
 The Honourable Mr. G. W. Webster, M.B.E.  
 The Senior Resident, Calabar Province,  
 The Honourable Mr. E. M. Falk.  
 The Resident, Ogoja Province,  
 The Honourable Mr. P. A. Talbot.  
 The Resident, Owerri Province,  
 The Honourable Mr. F. H. Ingles.  
 The Resident, Ilorin Province,  
 The Honourable Mr. H. B. Hermon-Hodge.  
 The Acting General Manager of the Railway,  
 The Honourable Mr. W. Cramer Bostock.  
 The Commercial Member for Port Harcourt,  
 The Honourable Mr. L. White.

## OATHS.

The Honourable the Acting Attorney-General, the Honourable the Commandant, Nigeria Regiment, the Honourable the Secretary, Southern Provinces, the Honourable the Senior Resident, Plateau Province, the Honourable the Resident, Zaria Province, the Honourable Mr. L. Bettesworth, Acting Postmaster-General (Provisional), the Honourable Mr. H. de B. Bewley, Resident (Extraordinary), the Honourable Mr. S. Agbaje, Member for the Oyo Division, the Honourable Mr. T. Hepburn, Commercial Member for Kano (Provisional) took the Oath as members of the Council.

The Minutes of the Meeting of the 30th September, 1929, having been printed and circulated to Honourable Members, were taken as read and confirmed.

## PAPERS LAID.

His Excellency the Governor laid the following paper on the table:—

Sessional Paper No. 1 of 1930, Address to the Legislative Council, by His Excellency the Governor.

His Excellency:—

I wish to make two slight amendments to my Address which is in the hands of Honourable Members. In the last paragraph of page 1 and at the top of page 2 it is stated that six women were killed at Abak. It is now reported that only one woman was killed there and it is alleged that one other died of wounds. At Utu Etim Ekpo nine women were killed.

Again, on page 18 it is stated that approximately £ 50,000 was lost owing to the removal of the duty on foodstuffs. This should have been supplemented by pointing out that increased rates of duty were imposed on spirits and tobacco which are calculated to yield almost an equivalent sum.

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

Sessional Paper No. 2 of 1930, Annual Report on the Public Works Department for the year 1928.

Sessional Paper No. 3 of 1930, Annual Report on the Survey Department for the year 1928.

Sessional Paper No. 4 of 1930, Reorganisation of Laboratory Service.

Sessional Paper No. 5 of 1930, Annual Report on the Police Department, Northern Provinces, for the year 1928.

Sessional Paper No. 6 of 1930, Annual Report on the Prisons Department, Northern Provinces, for the year 1928.

Sessional Paper No. 7 of 1930, Treasurer's Report for the year 1928-29.

Sessional Paper No. 8 of 1930, Overseas Mechanical Transport.

Sessional Paper No. 9 of 1930, Annual Report on the Northern Provinces for the year 1928.

Sessional Paper No. 10 of 1930, Annual Report on the Harbour Department for the year 1928.

Sessional Paper No. 11 of 1930, Colonial Veterinary Scholarships: Scheme for provision of.

Sessional Paper No. 12 of 1930, Report of a Commission of Inquiry appointed to inquire into certain incidents at Opofo, Abak, and Utu-Etim-Ekpo, in December, 1929.

Supplementary Estimates 1929-30 (Third quarter).

Draft Estimates 1930-31.

Memorandum on the draft Estimates 1930-31.

Report of the Select Committee on the Standing Rules and Orders of the Council.

Order-in-Council made under the Customs Tariff Ordinance, 1924 on the 6th of January, 1930.

## ANNOUNCEMENT.

## His Excellency:—

Before proceeding with questions, I wish to make an announcement to Honourable Members.

I have now received from the Lieutenant-Governor, Southern Provinces, a full and comprehensive report on the origin and causes of the recent disturbances in the Eastern Provinces. This report is accompanied by recommendations from the Lieutenant-Governor that certain steps should be taken to avoid a recurrence of such troubles in the future. The report has been compiled with the aid of such material as the Lieutenant-Governor has at present at his disposal. It seems, however, probable, particularly having regard to the fact that the full reports of the members of the Administrative Staff concerned have not been available, owing to their employment on special duties necessitated by the riots, that certain matters in connection with the disturbances have not yet been fully elucidated. Moreover, it is impossible after a short interval and before the districts concerned have thoroughly settled down and resumed their normal relations with the Administrative Staff to gauge fully and with precision the various factors which led up to such events and their relative influence. In order that every aspect of these unfortunate occurrences may be examined, I have therefore decided, with the full concurrence of the Lieutenant-Governor of the Southern Provinces, to appoint an independent Commission with wide terms of reference. This Commission, it is anticipated, will commence its inquiries at the beginning of March by which time one of its members who is at present in England will be available. Invitations to sit on this Commission have been issued to the following gentlemen who have all accepted:—The Chief Justice who will be Chairman; Mr. W. E. Hunt, Senior Resident; Sir Kitoi Ajaso, O.N.E.; Mr. E. O. Moore; Mr. G. Graham Paul and Mr. V. R. Osborne, of Messrs. John Holt & Co., Ltd. The terms of reference which have been framed so as to cover every possible question which may arise in the course of the inquiry are as follows:—

- (a) To enquire into the origin and causes of and responsibility for the recent disturbances in the Eastern Provinces and the measures taken to restore order and to make such recommendations as may seem fit.
- (b) To enquire into the responsibility (if any) of any person or persons for failing to take in anticipation of such disturbances adequate measures to safeguard life and property.

## QUESTIONS.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MRS. S. C. OBIANWU):—

To ask whether it is true that monies belonging to the Native Administrations of Awka, Awgu and Nsukka in Onitsha Province have been lost or stolen? If so, will Government be pleased to state:

- (a) The amount involved in each Administration?
- (b) The names of officers responsible for such losses?
- (c) The amount recovered out of the loss in each administration and how recovered?
- (d) Amount still unrecovered?
- (e) What steps if any were taken to avoid similar losses in future?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The Government is not aware that any money has been lost by or stolen from the native administration of Awgu. Money belonging to the native administrations of Awka and Nsukka has been lost and the following particulars of the loss in each case are given in answer to the question asked by the Honourable Member.

Awka—(a) £198 10s.

(b) The money was in the custody of Mr. R. B. du Boë, Administrative Officer, but the extent to which he will be held pecuniarily responsible will not be determined until he returns to duty.

(c) No part of this money has been recovered.

Nsukka—(a) A board appointed in November last to examine the native administration accounts at Nsukka has reported a deficit of £18 1s. 8d.

(b) Responsibility for the deficit appears to rest on two Administrative Officers but the matter is still under investigation.

(c) No part of the deficit has so far been recovered.

The above answers to question (c) also answer question (d). With regard to question (e) at Awka there was failure to observe the standing instructions as to the safe keeping of native administration money. No new instructions are contemplated now as they are unnecessary. The deficit at Nsukka was discovered only recently and is still being investigated. Pending further inquiry no steps to avoid a similar occurrence, beyond insistence on adherence to the standing instructions for native administration accounting can usefully be taken.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

2. In view of the obvious hardship imposed on tax-payers by the regular closing of Aba-Owerrinta and Port Harcourt-Owerri roads, what measures are being taken to render these roads suitable for motor traffic throughout all seasons?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The closing of the roads in question is unavoidable and resorted to only when necessary in the best interests of users of the road. The improvement of the roads so as to make them suitable for motor traffic throughout the year is a question of expense. An estimate of £6,000 has been approved for the improvement of the Owerrinta bank on the Aba-Owerri road.

Estimates for improving the Port Harcourt-Owerri road are being prepared but in view of the heavy cost owing to lack of suitable road-making material and the nature of the country it is not probable that re-construction can be carried out at an early date.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

3. Whether Government is aware that school boys, old and deformed men are being taxed in Onitsha Province? And whether Government will be pleased to take immediate steps to arrest this avoidable and deplorable practice?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

Boys of not less than sixteen years of age are liable to pay tax whether they are attending school or not. The Government is not aware of any specific instances of a breach in the Onitsha Province of paragraph 1 (4) of the Notice No. 50 of 1927 of exemptions from tribute and taxes payable under the Native Revenue Ordinance but if any such specific instances can be quoted by the Honourable Member inquiry into them will be made.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

4. If Government will lay on the table of this Council a report in connection with the recent women riots in Owerri and Calabar Provinces? And to state:—

(a) If it is true that women rioters were fired at by soldiers and policemen?

(b) Whether it is also true that soldiers were ordered and did charge on these women making free use of the butts of rifles?

(c) How many of the women were killed?

(d) How many of them were wounded?

(e) How the wounded were attended to?

(f) Whether the disturbance could not have been quelled without bloodshed?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Government has from time to time issued full statements through the Press, of the incidents that have occurred during the disturbances in the Owerri and Calabar Provinces and there is nothing that can usefully be added to these statements.

A Commission of Enquiry was appointed by the Governor to report further on the circumstances in which a number of rioters lost their lives during the disorders at Opobo, Abak and Utu-Etim-Ekpo, and a copy of the Commission's report is laid on the table as a Sessional Paper and the minutes of evidence will be printed and distributed to Members as soon as possible. In the opinion of the Commissioners, with which the Government concurs, the officers responsible for ordering the troops to fire on the mobs were justified in their action.

The Commission referred to was appointed for a particular purpose, namely, to amplify the inquest proceedings on the persons killed. It is now His Excellency's intention to appoint a larger representative Commission with the widest terms of reference to enquire into all the circumstances connected with the disturbances, including the causes thereof. His Excellency has invited His Honour the Chief Justice of Nigeria to be the Chairman of the Commission of Enquiry which will be composed of representatives of the African and European unofficial communities with one official member in addition to the chairman. The names of the members and the terms of reference of the Commission have already been announced and will be published in the Gazette at a later date.

With regard to the detailed questions asked by the Honourable Member:—

(a) and (b) The answers are in the affirmative.

(c) At Utu-Etim-Ekpo nine women were killed, at Abak one killed, and at Opobo twenty-nine women were killed or died of wounds, while eight were drowned when the recoil of the mob threw a number into the river. One man was also accidentally killed. It was at first reported that six women had been killed at Abak but this has not been confirmed.

(d) It is difficult to say exactly how many were wounded. At least one woman was wounded at Abak and fourteen at Utu-Etim-Ekpo. At Opobo ten were wounded exclusive of those who died of their wounds.

(e) Those wounded at Utu-Etim-Ekpo were given first aid on the spot, and then sent by motor transport to the hospital at Ikot Ekpene. At Opobo, as soon as the mob dispersed, the Medical Officer and his staff began to attend to the casualties, doing their utmost to succour the wounded, who were removed rapidly and efficiently to hospital. On admission to hospital the wounded received immediate treatment, the Medical Officer giving them untiring attention, including heavy surgical work.

(f) The disturbances were beyond ordinary police control and the Government is satisfied that they could not have been quelled without bloodshed where it did occur, though every step was taken to avoid such a contingency.

THE HON. THE MEMBER FOR THE RIVERS DIVISION (MR. MARK PEPPE JAJA):—

5. Will Government give an assurance to stop the rumour, once for all, that is upsetting the country, that the women in the Eastern portion of the Southern Provinces are not going to be taxed?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The Government has no present intention of levying a tax on the women of the Eastern Provinces. His Honour the Lieutenant-Governor has through his Administrative Officers repeatedly assured the women of the Eastern Provinces that they are not to be taxed.

THE HON. THE MEMBER FOR THE RIVERS DIVISION (MR. MARK PEPPE JAJA):—

6. Will Government consider that when a man's doors are counted along with his property the inference he puts on it is that his tax is going to be raised. Will Government not consider the advisability of dropping the assessment scheme as in force in the Eastern portion of the Southern Provinces for the sake of peace?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The counting was merely a check to ensure that the previous incidence was equitable and equitably borne by the various sections of the community. The objects of the check were clearly explained to the people at the time and any inquiries made were made in accordance with sections 18 and 19 of the Native Revenue Ordinance.

nance. It is necessary that assessments should be periodically revised in order to ensure that no hardship is suffered by communities.

THE HON. THE MEMBER FOR THE RIVERS DIVISION (MR. MARK PEPPLE JAJA):—

7. Will Government give an assurance to quieten the minds of the people that the tax of seven shillings as existing in Owerri and Calabar Provinces will not be raised?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The tax in the Calabar and Owerri Province varies from 4s. to 7s. per adult male. There is no present intention of raising the rates of tax in these provinces.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

8. Have the Government yet ascertained the real cause of the recent disturbances in the Eastern Provinces of Calabar, Owerri and Ogoja and if so give this House information of same.

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to my reply to question No. 4.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

9. In view of the well-known pacific nature of the natives in these Provinces, if no definite information has yet been ascertained, will the Government appoint a commission of inquiry?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to my reply to question No. 4.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

10. Whether any Europeans, official or unofficial, sustained any personal injury as a result of these disturbances?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Yes, Sir. Several Europeans, both officials and unofficials were assaulted and suffered minor injuries. One Nursing Sister was wounded in the head.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

11. What is the total number of natives killed and wounded as the result of the disturbances and whether men and women, men only or women only and in what areas?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to my reply to question No. 4.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

12. What were the particular acts of violence on the part of the women in the respective areas where women were fired upon and killed which justified the soldiers firing upon the women?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to the answer to Question No. 4 and to the Report of the Commission of Inquiry which has been laid on the table.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

13. How many Native Court buildings were pulled down by the natives in the various areas affected?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

In Owerri Province nine Native Courts out of thirty-nine were destroyed and in the Calabar Province five out of forty-seven.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

14. Whether the Government will consider and make a provision that the payment of ten per cent. of the tax collected in the Protectorate by Native Court chiefs or heads of houses shall cease, that such tax be collected by tax collectors appointed and paid by the Government and not by Native Court chiefs or heads of houses?



HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The percentage does not represent a rebate of tax but is remuneration for executive services to executive heads. The policy is that when the various districts are more fully organised the method of remuneration shall be replaced by payment of fixed salaries. The tax is not collected through Native Court members as such but through the natural heads of units wherever these are known. Tax collection by means of professional tax collectors would be an artificial and unsatisfactory system and no change in the present policy is contemplated.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

15. Whether the Government, in view of these disturbances, will cause notices to be published in the disaffected districts to the effect that the tax is not payable by women?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The Honourable Member is referred to the answer to question No. 5.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

16. *Disallowed.*

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

17. *Disallowed.*

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

18. *Disallowed.*

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

19. *Disallowed.*

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

20. *Disallowed.*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member will see from the Order of the Day that questions Nos. 16-20 have been disallowed not because there was anything objectionable in them *per se* but because they anticipated a debate on a Bill which is before the Council and in accordance with Parliamentary practice any such question or motion is out of order. The Honourable Member will have the opportunity of raising the matters indicated in his questions during the debate on the Bill to which they refer.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

21. In view of the motion recently agreed to in the British House of Commons demanding *inter alia* that the Imperial Government should exercise direct control over native policy where natives are not yet fitted for self government and there should be establishment of equal franchise and legal rights without regard to race, sex and colour does the Nigerian Government propose to abandon its intention of placing in the hands of the Executive the power to appoint and depose head chiefs in the Protectorate thus depriving the chiefs of the right of appeal to the Privy Council in cases of dissatisfaction?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Government has no knowledge of the motion referred to in the question of the Honourable Member.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

22. In view of the motion in the British House of Commons already referred to (question No. 21) (a) does the Government intend giving the subjects of His Majesty the King Emperor in Nigeria equal rights with the Europeans in Nigeria of access to the Supreme Courts by abolition of the Provincial Courts and by granting a right of appeal on decisions of the Native Courts to competent and trained judges of the Supreme Court; (b) if so, how soon; and (c) if not, the Government reasons for refusing to grant to the natives equal legal rights with Europeans?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

In view of the answer to question 21 this question does not arise.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

23. What is the number of Native Courts in the Southern Provinces of Nigeria and what is the percentage of increase of the number of Native Courts since 1914 when the Native Courts Ordinance was first promulgated?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The number of Native Courts on 31st December, 1928 which is the last date at which complete figures are available was four hundred and three. This is an increase of 117 per cent. since 1914. Of this increase the mandated territory of the Cameroons Province accounts for 21 per cent. leaving an increase of 96 per cent. in the Southern Provinces.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

24. What is the total revenue derived from the Native Courts and what is the percentage of increase of the revenue from Native Courts since 1914?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The total revenue derived from the Native Courts in the financial year 1928-29 was £111,638 which represents an increase of 132 per cent. over that for the financial year 1914.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

25. What is the number of the members or judges on the Native Courts in the Southern Provinces of Nigeria and what is the proportion of increase of that number since 1914?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The notice given of this question was insufficient to allow the information asked for in the first part of the question to be compiled and the information asked for in the second part cannot be given because the number of members in 1914 is not now known.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

26. What are the qualifications required of a native to justify him being granted a warrant as a judge of a Native Court?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

Members of Native Courts are no longer given warrants. The qualifications required consist of the right of the member to judicial powers by the law and custom of the people whom he represents.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

27. How many of this number are literate or can write in the English language (a) or in any native language (b)?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

This information is not available nor is it since the qualifications required of a court do not include literacy.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

28. Is it a fact of which Government that natives under thirty years of age are appointed as chiefs?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The Government is aware that there are members of the Native Courts who are illiterate and under the age of thirty. Those under the age of thirty are few in number.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

29. What is the sum per diem paid to a Native Court member or judge in the Calabar, Owerri and Ogoja Provinces for sitting in Court as a judge; (b) whether this sum has not within the past couple of years been reduced by fifty per cent.; and (c) what is the average annual earnings of a Native Court member or judge in his capacity as a sitting member?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

Owing to the short notice which was given it is not possible to answer this question fully. In most of the Native Courts in the Provinces a Native Court member receives five shillings per sitting, not per diem, and the president receives ten shillings.

(b) In some districts there have been changes in the scale of fees but these changes do not result in a reduction.

(c) To arrive at the annual average earnings of a Court member would involve the collecting of a mass of figures of which time does not permit.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

30. What is the number of land cases tried in the Native Courts since the Regulations No. 28 of 1928 giving the Native Courts jurisdiction in land cases?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

Regulations No. 28 of 1928 were made in October, 1928, and the returns are compiled for a complete year; this information can therefore only be obtained by reference to Residents. Time has not permitted such reference to be made.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

31. What is the number of land cases tried in the Native Courts in respect of which decisions of the Supreme Courts and Provincial Courts have been rendered of non-effect or reversed on appeal on the ground of the want of the right of appeal from the judgments of the Native Courts?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The Government is not aware of any cases of the nature indicated, nor is it clear how a Supreme or Provincial Court judgment can be affected by a Native Court Judgment.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

32. What is the number of criminal proceedings for the years 1928 and 1929 a complete list of which were submitted to His Honour the Chief Justice under section 20 of the Provincial Courts Ordinance and (c) the number of convictions thereof which were quashed or annulled both in cases of sentences for more than six months and in cases of six months and under?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

In the Northern Provinces the monthly cause lists of each Provincial Court are submitted to His Honour the Lieutenant-Governor who by virtue of the powers delegated to him deals with them in accordance with section 21 of the Provincial Courts Ordinance on the advice of the law officers. The number of the cases so submitted were in 1928, three hundred and ninety-eight; in 1929, four hundred and forty-four. The number of convictions quashed was, sentences of over six months, fifty-one; sentences of under six months, thirty-one.

The number of criminal cases tried in the Provincial Courts of the Southern Provinces and reviewed by His Honour the Chief Justice in 1928 was 5,462. The figures for 1929 are not yet available. Owing to the short notice given of this question it has not been possible to compile the information required for in the second part of the Honourable Member's question but a written answer can be given at a later date if this is desired.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

33. What are the reasons, if any, for the refusal on the part of Government to supply to accused persons or their representatives copies of the proceedings against them in cases in the Provincial and Native Courts?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

It is not in the power of Government either to supply or to refuse to supply to accused persons copies of proceedings in cases instituted against such persons. This is a matter within the discretion of the Courts. It is understood that Courts do in fact supply copies to persons entitled to them.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

34. What is the number of applications made for transfer of:—

- (a) Civil cases from the Provincial Courts to the Supreme Courts in 1928 and 1929 and what is the proportion of that number that was granted?
- (b) Criminal cases in 1928 and 1929 and the proportion granted?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The number of applications for transfer is as follows:—

*Northern Provinces.*—(a) Civil Cases, 1928, one application, granted; 1929, two applications all of which were granted; (b) Criminal Cases, 1928, two applications both of which were granted; 1929, ten applications eight of which were granted.

*Southern Provinces.*—(a) Civil Cases, 1928, eighty-seven applications of which fifty-eight were granted; 1929, ninety-eight of which sixty-seven were granted; (b) Criminal Cases, 1928, seventy-seven applications of which fifty-eight were granted; 1929, eighty applications of which forty-nine were granted.

As regards the applications for the transfer of criminal cases above mentioned all those in regard to trials for murder were granted on the application of the accused.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

35. Will the Government make provision for the transfer of civil and criminal cases from Native Courts to the Supreme Court in land and other cases where found necessary and upon what conditions?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The Government consider that having regard to the facilities for transfer provided by section 17 of the Native Courts Ordinance read in conjunction with section 15 of the Provincial Courts Ordinance and section 35 of the Supreme Court Ordinance no such provision as is suggested by this question is necessary.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

36. Will the Government make provision for transfer of all cases from the Native Courts to the Supreme Court where actions are instituted in the Native Courts in respect of land, judgments in respect of which have been given in the Supreme Court?

THE HON. THE ACTING ATTORNEY-GENERAL:—

In view of the provisions of section 18 of the Native Courts Ordinance such provision as suggested by this question is not required.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

37. What the system, if any, adopted by Government under which expenditure is made for improvements in any given township in the Southern Provinces of Nigeria and whether the revenue derived from such township is an important factor?

HIS HONOR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The system adopted is that of following the annual township estimates and effecting such improvements as are possible with the funds available. In the absence of revenue townships would cease to exist.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

38. In view of the revenue derived from and through the township of Calabar as compared with Port Harcourt, Enugu and other Provincial towns whether the Government will reconsider its method of expenditure for Calabar so as to carry out the various assurances and promises given and to repair the neglect to which the inhabitants of Calabar have long been subject as regards improvement and conveniences for that township?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The additional amount of £420 has just been sanctioned for expenditure during the current financial year. Further funds will be devoted in 1930-31 to improvements to markets and other purposes.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

39. In view of the reiterated promise of Government to improve the lighting system at Calabar whether any definite steps have yet been taken by Government in that regard?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

In pursuance of Government's promise to give consideration to an electrical scheme for Calabar the Electrical Engineer-in-Chief, shortly after his appointment, prepared a tentative scheme providing for street and private lighting and a limited supply of current for power.

No further steps have been taken owing to the lack of funds. The approval of any scheme must depend largely on the revenue which rating will produce.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

40. In view of the unsatisfactory condition of the roads in the township of Calabar whether the Government will give definite instructions to the Public Works Department to repair and construct the roads in and around Calabar with more substantial material than clay and gravel so as to prevent every shower of rain digging up the roads and making them impossible for motors and other wheeled traffic as well as for pedestrians at night time?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

As regards the township roads this is a question for the local authority who has already been given permission to purchase spray emulsion for the surfacing of township roads. In the present circumstances the best material is used which can be obtained with the available funds. In 1930-31 an additional sum of £460 is to be spent on the upkeep of township roads.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

41. Whether any definite steps have been taken to provide Calabar with a pier floating or otherwise?

THE HON. THE DIRECTOR OF MARINE:—

Steps are already being taken to accommodate ocean-going vessels at the Ivy Pier, Calabar.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

42. (a) What is the number of concessions of land that have been granted by Government since 1921 to European Companies or concerns; (b) the area of each such concession; and (c) what are the different businesses that are being carried on the products produced on each concession; (d) the present annual rent paid to Government; and (e) the proportion of such rent paid to the native owners of each such land?

THE HON. LIEUT.-COL. R. H. ROWE (COMMISSIONER OF LANDS):—

Rents for leases of Crown Land are paid to Government. Rents from occupation certificates under the Land and Native Rights Ordinance are paid to Government. Rents from leases of land owned by natives are paid to the native owners under the Native Lands Acquisition Ordinance. It would be impossible to give a list of all leases and the areas of land dealt with under these headings in answer to a question. The term "concession" is not known in Nigeria and further information is required before the question can be fully answered.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

43. Whether any of these concessions are intended to be subsidised from the annual funds to be provided by the British Parliament for development of the Colonies?

THE HON. LIEUT.-COL. R. H. ROWE (COMMISSIONER OF LANDS):—

In view of the answer to question 42, the question does not arise.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

44. To the knowledge of Government have any European Company or concern commenced the farming of palm, rubber or other agricultural products in Nigeria since 1925, and if so, in what district and to what extent and of what nature?

THE HON. LIEUT.-COL. R. H. ROWE (COMMISSIONER OF LANDS):—

The answer to the first portion of the question is in the negative. The remaining portions do not therefore arise.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

45. In view of the motion in the British House of Commons already referred to (question No. 21) (a) does the Government intend to bring the native subjects of His Majesty the King Emperor in the Protectorate under the direct control of the Imperial Government by abandoning the policy of Indirect Rule as carried out by the recent introduction of native administrations; (b) if so, how soon and (c) if not, the Government's reasons for adhering to the system of Indirect Rule?

The Honourable Member withdrew this question in view of the previous answers.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

46. Arising out of the reply of the Honourable the Treasurer to question No. 30 at the Seventh Session of Council on the 28th of September, last, to ask:—

(a) What is the total number of Africans employed in the Nigeria and Railway services on fixed monthly salaries as distinct from labourers on a daily or weekly wage?

(b) The total cost of their emoluments, allowances, passages and pensions.

THE HON. THE TREASURER:—

(a) The total number of Africans employed in the Nigeria and Railway Services on fixed monthly salaries as distinct from labourers on a daily or weekly wage is 19,300; and

(b) The total cost of their emoluments, allowances, passages and pensions is £1,299,322.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

47. What is the percentage of this total cost in relation to:—

(a) The Annual Estimates of Expenditure; and

(b) The Annual Estimates of Revenue?

THE HON. THE TREASURER:—

The percentage of this total cost in relation to (a) the Annual Estimates of Expenditure is thirteen *per cent.* and to (b) the Annual Estimates of Revenue is fourteen *per cent.*

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

48. Arising out of the same reply, what is the total number of "Labourers paid from the Estimates" and included in the figure of 64,200 which is quoted by the Honourable the Treasurer as approximately representing the "Total Number of Africans employed in the Nigerian and Railway services"?

(b) What is the total cost of the Wage Bill of these "Labourers paid from the Estimates"?

THE HON. THE TREASURER:—

(a) The total number of "labourers paid from the estimates" and included in the figure of 64,200 given in answer to Question No. 30 at the Seventh Session of Council on 28th September, 1929, is 44,900; and

(b) The total cost of the wage bill of these "labourers paid from the estimates" is £954,416.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

49. (a) Whether the total cost of the Wage Bill is for maintenance purposes only and therefore recurrent, and

(b) Whether any portion thereof is included in the estimated costs of any public works or buildings in process of construction and will be subsequently re-allocated thereunder as "Labour Charges"?

THE HON. THE TREASURER:—

(a) Of the total cost of the wage bill, £503,300 is recurrent expenditure on works for maintenance purposes only. The remainder includes all labour employed on Public Works Extraordinary, other than contract. It does not however include any amount on account of that portion of the cost of works given out to contract which would be expended on labour. It is estimated that this would amount to £286,000 *per annum* in addition to the total cost of £954,416 already quoted.

(b) The cost of labour on Recurrent and Extraordinary Works is included in the estimated cost of public works and buildings, and no subsequent re-allocation is made as "labour charges".

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

50. What is the percentage of this total Wage Bill for "Labourers paid from the Estimates" in relation to:—

- (a) The Annual Estimates of Expenditure, and.
- (b) The Annual Estimates of Revenue?

THE HON. THE TREASURER:—

The percentage of this total wage bill, for labourers paid from the estimates (excluding labour on works executed by contract) in relation to (a) the Annual Estimates of Expenditure is ten per cent. and to (b) the Annual Estimates of Revenue is eleven per cent.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

51. What is the intention of Government in maintaining such pronounced activities in the acquisition of Forest Reserves throughout the Southern Provinces?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The serious destruction of Nigerian forests in the past has led to local famine as regards timber and fuel, destruction of arable and grazing lands in addition to erosion, climatic oscillations and destruction of the sources of water supplies. Forest reservation on a sufficiently large scale will prevent the serious results above mentioned and will ensure a permanent source of supply for local requirements of forest produce when the remaining areas have come under agricultural cultivation. In addition the existence of the palm oil industry depends on the maintenance of moist forest conditions in the South which is secured by the above means and, furthermore, the southern forests constitute a valuable pecuniary asset of great imperial and local importance, particularly in view of the approaching world shortage of soft woods and of the proximity of home markets.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

52. Is the acquisition wholly and solely for afforestation purposes? And if so,

- (a) Are the rights of the natives to the land still undisturbed and if so,
- (b) At what period of time does the land revert to the people and the occupation by Government for afforestation purposes cease?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The answer to the first part of the question is in the negative. The Hon. Member is referred to the answer to question 51.

(a) The rights of the natives are preserved as regards native occupation in so far as it is in keeping with the answer to question 51.

(b) The Reserve would be retained so long as it is required.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

53. Whether the attention of the Government has been invited to the Privy Council decision in Dr. Knowles' case from Ashanti?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The answer is in the negative.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

54. And if so, whether Government proposes to make any corresponding amendments to the Provincial Courts Ordinance?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

In view of the answer to 53 this question does not arise.



THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

55. (a) What is the total sum expended by Government as compensation for buildings expropriated at Yaba under the Land Acquisition Act of September, 1924?

(b) Whether all the buildings expropriated were demolished, and if so, what is the specific reason for such wholesale demolition?

THE HON. DEUT.-COLONEL R. H. ROWE (COMMISSIONER OF LANDS):—

(a) £38,116 10s. 10d.

(b) No. Thirty-three houses are still in use. During the last five years the others have been gradually removed to make room for

will have to be demolished by the local authorities as unfit for human habitation and are not worth repair.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

56. Whether there is any truth in the suggestion that the Public Works Department and the Lands Department have been giving out contracts without tender, and if so, why this unusual procedure?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The answer is in the negative, but as regards the Public Works Department normal competitive tenders are invited for petty contracts for minor works or for the supply of local material when it is not possible to reach petty contractors by means of the usual notices.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

57. Whether Government is not persuaded that the time has arrived for granting full local Government to the Lagos Municipality, and if not, whether Government will be pleased to make a statement as to its future intentions in this respect?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

It is not quite understood what the expression "full local Government" means. But when the Lagos Town Council functions as a municipality ought to do and balances its budget instead of practically half its revenue each year being provided by Government then it will be time further to consider its constitution.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

58. Whether Government will not consider the advisability of appointing a special committee to determine from time to time at quinquennial sessions what high appointments should be thrown open to Africans?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Government considers the appointment of such a Committee unnecessary as Government is at all times prepared to consider suitable Africans for appointments when vacancies arise.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

59. What is the reason for the non-inclusion of Africans in the Commission appointed by Government to inquire into the causes of the recent disturbances in the Eastern Provinces, seeing that the victims of the shootings were Africans?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

No Commission has yet been appointed to enquire into the causes of the recent disturbances in the Eastern Provinces. A Commission consisting of two Government officials was appointed by the Governor to enquire into the incidents connected with the shooting of certain persons on specified occasions during the disturbances, with a view to amplifying the inquest proceedings. The Commission was in no way concerned with the cause of the disturbances.

With reference to the answer to this question the Honourable Member will realise that this answer was framed before His Excellency's announcement this morning and it must therefore be made subject to what His Excellency stated.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

60. To ask whether there are any regulations making provision for regular medical and sanitary inspections of schools and colleges in the municipal area of Lagos, other than any that may specifically be connected with anti-malarial and/or anti-plague work?

(b) If so, to ask what grade, or grades, of officials are entrusted with the inspections, how often are the inspections made, whether the reports of the inspections are ever made public, and whether the report of the last inspection can be laid on the table of the Honourable Board?

(c) If not, whether Government will not consider the desirability of making provision for such inspections?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The answer to the first part of the question is in the negative; but the Medical Department, at the request of and in consultation with the Education Authorities have recently inaugurated a scheme for the regular inspection of children in Government and Government-aided schools.

(b) The officials entrusted with the work of inspection will be qualified Medical Officers specially detailed for the work. As the scheme has only recently been inaugurated full details have not yet been published. It is proposed that children be medically examined three times during their school career. The results of these inspections will be included in the Annual Report of the Medical Department which is a Sessional Paper.

Question (c) therefore does not arise.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

61. Pursuant to Government reply to question No. 48 as indicated by the Honourable the Director of Public Works on page 19 of the Legislative Council Debates, September 28th, 1929, to ask whether the inquiries on which the reply was framed were made to include the Survey Department?

(b) Whether some time before the sitting of that Council meeting the attention of Government was not directed to the practice, alleged to be obtaining in the Survey Department, of issuing out on loan from the Survey Stores, petrol, or motor spirit, to officials of the Department on the authority of chits initialled, or signed, by one or other European official of the Department? If so, by whom?

(c) To ask for an indication of the official, or officials, to whom the loans were made, and of the official or officials, who initialled, or signed, the chits?

(d) To ask whether those supplies were instances of the loans on emergencies referred to in that reply of the Honourable the Director of Public Works, or of the sales on prepayment of costs thereof?

(e) If the former, and in view of the persistent and ugly rumours of certain alleged store irregularities in connection with the Survey Department, to ask whether in the interest of the integrity and good name of the service Government will not seriously consider the desirability of making a statement indicating the "emergencies" which justified the loans and therefore regularised the issues?

(f) And if the latter, to ask for a statement of the numbers, dates, and amounts, of the various Government receipts supporting the issues and testifying to prepayments of costs?

THE HON. CHIEF SECRETARY TO THE GOVERNMENT:—

(a) and (b) The answer is in the affirmative. It should be pointed out that the Survey Department is not in a position to sell petrol. The practice is that a request for petrol accompanied by the sum required to cover the cost is sent to the Storekeeper who in the ordinary way obtains the petrol from the Public Works Department. Only in cases of emergency does he issue petrol to individual officers and in such cases he replaces the petrol issued as soon as possible.

(c) Such issues of petrol as are described above have been made only in cases of emergency to the Surveyor-General, Deputy Surveyor-General and Assistant Surveyor-General. Government is satisfied there was nothing questionable in the transactions.

(d) Such issues were in cases of emergency.

(e) It is not considered that any statement of the nature described is called for, as Government is quite satisfied there was nothing in the transaction affecting the integrity and good name of the service.

(f) In view of the answer to (d) this question does not arise.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

62. To ask whether Government will make a statement showing:—

- (i) The aggregate cost to the revenue of the Government Statistician in emoluments and allowances since his appointment in Nigeria?
- (ii) Whether Government will state the services he has actually rendered since his appointment and arrival in the Colony?
- (iii) How those services were met prior to his appointment and assumption of office and during his leave periods, if he has had any?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(i) The aggregate cost to revenue of the salary and allowances of the Government Statistician from 29th August, 1928, the date of his appointment, to 31st January, 1930, is as follows:—

Emoluments	...	...	...	...	£1,911 16 9
Allowances	...	...	...	...	108 10 0
					£2,020 6 9

(ii) The services rendered by the Government Statistician since his appointment and arrival in the Colony comprise the examination of the accuracy of existing vital, agricultural and economic statistics and the co-ordination thereof, work preparatory to the forthcoming census of Nigeria, including an experimental census in Lagos, and the collection of Provincial data—*inter alia*—for the World Agricultural Census of 1930; technical studies in relation to the growth of cocoa, herd-increase and so forth. The training of an African Staff of Computers has also occupied a considerable portion of his time. The Government Statistician will be pleased to explain the nature of his work in detail to the Honourable Member, if he will call on him at his office.

(iii) Prior to the appointment of the Government Statistician although statistics were collected there was little or no co-ordination and collation of data on a scientific basis by which alone the maximum value can be obtained from statistics. The work of collecting data and other duties were carried on during his absence on leave by subordinate staff of the Chief Secretary's office according to the general instructions left by the Government Statistician.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

63. If the Government Statistician is a pensioned civil, or other Government, servant, to ask:—

- (i) In what Colony and department had he been engaged prior to his joining the Nigerian Service?
- (ii) What was his last salary including allowances, and what is the amount of his pension from that service? And
- (iii) What is his present salary, and the aggregate amount of his allowances including rent, etc.?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(i) Prior to his appointment to Nigeria the Government Statistician had been an Administrative Officer in the Indian Civil Service, and had held the posts of Director of Agriculture, and of Superintendent of Census Operations, Bengal.

(ii) Government has no official knowledge of the officer's salary when serving under the Indian Government and is not prepared to disclose the information of a personal and private nature requested in the latter part of this question.

(iii) His present salary, which is shown in the Estimates, is £1,200 per annum with £240 duty pay. He is provided with free quarters, in lieu of which he would be entitled to an allowance of £120 per annum. His office is non-pensionable.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

64. Apropos of Government reply given by the Honourable Mr. G. B. Hebden, the Postmaster-General, to question No. 57, Legislative Council Debates, September 28th, 1929, to ask whether the honourable Member will not consider the desirability of recommending to Government, as a business proposition, a substantial reduction in the existing charges for Wireless News of £36 per annum for daily newspapers and £12 per annum for weekly ones, as an inducement to the remaining eleven out of fourteen local periodicals to apply for such news for the benefit of the public?

THE HON. MR. L. BETTESWORTH (ACTING POSTMASTER-GENERAL):—

As a business proposition the newspapers, whether daily or weekly, which are subscribing for the Rugby Wireless News are getting an astonishingly good bargain at present rates. The aggregate number of words supplied in the daily bulletins amounts to just 20,000 per month, and the charge of £3 per month merely covers the cost of the clerical labour required to write up copies of the bulletins from the original received telegrams. It may be added that this charge is considerably less than the rate standardised throughout the world by international agreement for copies of ordinary Press telegrams, which is 5d. for 50 words in addition to the actual transmission charge. At this rate daily Rugby Press bulletins would cost over £8 per month against the actual charge of £3.

In these circumstances it is not proposed to recommend a reduction in present charges.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

65. To ask whether Boy Scouts Movement is in Nigeria a Government proposition? If so,

(b) Whether Government will give an indication of the item in the Estimates under which the expenses incurred thereby are being met? And

(c) What, up to date, is the total amount thus incurred?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The Boy Scouts Movement in Nigeria although receiving recognition and financial assistance from Government is not connected with any Government Department.

(b) The grant-in-aid provided by Government is shown under Head 22, Miscellaneous of the Estimates. In the current year's item 47 provides for the grant-in-aid of £875 and item 47A for the cost of railway passes, £200. In addition a sum of £800 was provided by Special Warrant No. 14 of 1929-30 as a special contribution towards the cost of ocean passages of the Scouts attending the World Jamboree at Birkenhead in August, 1929.

(c) The total amount paid to the Nigeria Branch of the Boy Scouts Association up to date is £3,459 16s. 3d.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

66. To ask whether in the sister Colonies of the Gambia, Sierra Leone, and the Gold Coast the Movement is also being maintained at public expense?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

No information is available as to whether the Movement is being maintained at public expense in the Gambia, Sierra Leone, and the Gold Coast, but reference to the current Estimates of the Gold Coast and the Gambia shows that grants are made by those Governments similar to that provided by this Government.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

67. To ask whether it is not a fact that in some of the departments of Government female civil servants are not allowed to retain their appointments after marriage?

(b) Whether that rule is a general condition of service? If so,

(c) Whether there are not instances in the service where the rule is being observed in the breach rather than in the performance thereof? If there are,

(d) Whether Government will kindly state these instances giving reasons for the privilege? And

(e) Whether there is any serious objection to making the privilege more general?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The answer is in the affirmative.

(b) The answer is in the affirmative.

(c) and (d) There are two exceptions to the general rule among European Lady employees in Government Service—Mrs. Tolfree and Mrs. Connal. With regard to Mrs. Tolfree in view of her special qualifications it was considered desirable that after her marriage she should not be called upon to relinquish her appointment as principal of Queen's College provided, that she was regarded as having resigned on the day of her marriage and as having been immediately re-appointed in a temporary basis. She will therefore continue to serve in her post as long as she or Government wishes but she will not be eligible on retirement to receive pension.

Mrs. Connal is not, properly speaking, a Government servant but is granted a special honorarium. She is a fully qualified Entomologist and for some years carried out valuable research work on behalf of Government with no remuneration. It was considered desirable to grant her the special honorarium mentioned.

In the terms of appointment for women bookbinders Government may call upon an employee to resign her appointment on marriage. There are at present three married women on the bookbinding staff.

(e) The answer is in the affirmative, but Government is always ready to consider each case upon its merits and make representations to the Secretary of State should it deem such a course desirable.

THE HON. THE FIRST LAGOS MEMBER (DR. C. J. ADENIYI-JONES):—

68. To ask for a statement of the actual cost of the newly erected Town Hall at Ibadan?

(b) Whether that large amount of money could not have been a substantial contribution towards the cost of providing such an urgent and necessary amenity as a good water-supply for general use? And

(c) How soon will the supply of good water to Ibadan for general use be a practical proposition?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

The actual cost of the building of the Council Hall at Ibadan was £23,914.

(b) The Honourable Member is referred to the reply to question No. 53 at the meeting of this Council held on the 1st January, 1929.

(c) Detailed investigations with regard to the best means of supplying Ibadan with a water supply and its cost are being made but in view of the magnitude of the undertaking a fresh supply cannot be made available for four or five years.

THE HON. THE FIRST LAGOS MEMBER (DR. C. J. ADENIYI-JONES):—

69. Referring to question No. 55 and the reply given thereto by the Honourable Mr. G. B. Hebden, the Postmaster-General, (*vide* Legislative Council Debates of the 28th of September, 1929, page 21), to ask for an indication of the work actually executed, or purchases actually made, for which the sum of £3,000 is shown to have been spent up to March 31st, 1929, under item 105, Head 27, Posts and Telegraphs, page 65, of the last financial year's Estimates?

THE HON. MR. L. BETTESWORTH (ACTING POSTMASTER-GENERAL):—

The Honourable the First Lagos Member appears to be under a misapprehension. The amount of £3,000 shown under Item 105 Head 27 of 1929-30 Estimates is an estimate only. Actually no expenditure was incurred on the Lagos-Badagry line up to 31st March, 1929, for reasons given by the Honourable the Postmaster-General in his reply to question No. 55 at the last session of this Council.

The position now is that it is expected that wireless telegraphic communication between Badagry and Lagos will be established soon after the end of the current financial year at a cost, including the erection of a semi-permanent Post Office, of £8,000, thus showing a saving of over £4,000.

THE HON. THE FIRST LAGOS MEMBER (DR. C. J. ADENIYI-JONES):—

70. To ask whether before or after the charge which led to the termination of his appointment was preferred against him by the Head of his Department, Mr. Mazelli did not file protests against certain stores irregularities which he alleged were being systematically practised in connection with the Survey Department? If so.

(b) To ask for a statement of the irregularities as indicated in his allegations, as well as the person, or persons, against whom the allegations of irregularities were specifically made?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Mr. Mazelli stated in writing that irregularities were being practised in the Survey Department store before any charges were preferred against him.

(b) Among the allegations made by Mr. Mazelli were the following:—

- (i) that stores were not being taken on charge in the ledgers;
- (ii) that a Government bicycle was being improperly used;
- (iii) that stores were being issued without a proper requisition being received.

- (iv) that departmental files from the Head Office were dealt with by the European Storekeeper and not forwarded to him, the ledger clerk, and that Gazettes forwarded to the Stores Branch for perusal were read by the European Storekeeper and destroyed.
- (v) that three cases of stores addressed to the Surveyor-General were improperly dealt with.

These allegations were made against the European Storekeeper. The Honourable Member's attention is invited to the reply given to Question 47, Legislative Council Debates of the 28th of September, 1929.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

71. To ask whether Mr. Mazelli in his statements to Government relative to the alleged departmental irregularities did not definitely affirm the following, namely:—

- (i) That unless the irregularities which, he alleged, openly contravened existing Stores Rules and Regulations were discontinued, there was bound to be a continuance of serious shortages of Government stores?
- (ii) That for the protection of his best interests he felt a great deal of reluctance, under the circumstances, in being saddled with any degree of responsibility likely to result in a repetition of Mr. Daniel's case for which he (Mr. Daniel) was imprisoned about a year ago because of stores shortages arising from gross irregularities in the same Survey Department?
- (iii) That in order that he might not be involved in any future trouble or scandal, likely to arise from what he alleged was going on unchecked in the Stores Section in spite of his representations to Government, he applied for a retransfer to the Provincial Administration, Southern Provinces? And
- (iv) Whether in consequence of his application for transfer a promise was not held out to him that the first vacancy in the Political Department, Southern Provincial Administration, would be offered to him?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(i) Mr. Mazelli alleged that irregularities existed in the conduct of the stores branch of the Survey Department. He also stated that he had no doubt in his own mind that there were many shortages in the stores due to such irregularities. In this connexion the Honourable Member's attention is invited to the reply given to Question 47, Legislative Council Debates of the 28th of September, 1929.

(ii) Mr. Mazelli, in an undisciplined manner, took exception to the instruction to take charge of the duplicate key of the store.

(iii) In his original application for a re-transfer to the Provincial Administration, Southern Provinces, Mr. Mazelli gave no reasons. When renewing his application later he stated that his position had been prejudiced by pointing out irregularities.

(iv) An offer of transfer was made which on his interdiction from duty was naturally withdrawn.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

72. To ask for a statement of Mr. Mazelli's period of service up to date of his transfer to the Survey Department, and of the date of the transfer.

(b) Whether that transfer was not on promotion and as a reward for good service?

(c) Whether there was any probationary period attached to the post in the Survey Department to which he was transferred? If so,

(d) Whether at the end of the probationary period his report was not satisfactory, and whether his increments have not been granted as they became due?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT —

(i) Mr. Mazelli served in the Marine Department from the 7th of February, 1912 until 13th of June, 1924. From the 14th June, 1924, until 31st May, 1928, he served in the Provincial Administration, Southern Provinces, and was transferred to the Survey Department on the 1st of June, 1928.

(b) The transfer was on promotion, but as during his service in the Marine Department he had been reprimanded once and fined twice, it cannot strictly be regarded as a reward for good service.

(c) and (d) The answers are in the affirmative.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

73. To ask for a statement of the nature of the insubordination for which Mr. Mazelli's appointment was terminated as indicated in the reply of the Honourable the Chief Secretary to the Government to question No. 15, Legislative Council Debates, September 30th, 1929, page 38?

(b) In what manner were General Orders contravened in the case? And

(c) Which of the clauses of Colonial Regulations were put into operation in terminating his appointment?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Refusing to obey an order given him by his superior officer.

(b) Mr. Mazelli on two occasions forwarded petitions in a manner other than that laid down in General Order 613, and Appendix C, paragraph 2.

(c) Colonial Regulation 40.

THE HON. THE FIRST LAGOS MEMBER (MR. C. C. ADENIYI-JONES):—

74. To ask whether a Board of Survey over the Store Section of the Survey Department was not held during the period between the time when Mr. Mazelli left the Survey Department and that of Mr. Craney's hurried departure from the Colony? If one was held?

(b) To ask whether shortages were not then, or any other time, discovered which fully justified Mr. Mazelli's protests against stores irregularities in the Department, as contained in his representations to Government dated April 26th, 1929, May 5th, 1929, and May 16th, 1929 respectively? And

(c) Whether as the result of the shortages discovered Government did not make arrangements with Mr. Craney himself, or with the Crown Agents for the Colonies, for the recovery from Mr. Craney in part or whole, or for the recovery in part or whole from any other officer of the Department, of the estimated value of the shortages?

If Government did make such arrangement,

(d) To ask whether an indication can be given of the amount arranged to be recovered, as well as the relationship, if any, which the termination of Mr. Craney's appointment and his hurried departure from the Colony bear to the discovery of the shortages and the grave irregularities which the discovery revealed?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

It is the rule of the Department to call for a Board of Survey when a situation such as the appointment of a new storekeeper or any query such as that mentioned takes place. A Board was held. Attention is invited to the reply given to question 47 of Legislative Council Debates of 28th September, 1929.

(b) There was no justification for the protests of Mr. Mazelli regarding shortage in the stores of the Survey Department; on examination the excesses and deficiencies found by the Board balanced to an amount of £5 11s. 0½d on the excess side. The excesses and deficiencies found were due to faulty letter keeping for which Mr. Mazelli was responsible.

(c) No such arrangement as that mentioned was found to be necessary in view of the statement in (b).

(d) In view of the reply to (c) the question does not arise.



THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

75. Pursuant to the reply of the Honourable the Chief Secretary to the Government to question No. 47, Legislative Council Debates of September 28th, 1929, page 19, to ask by what Boards of Survey were the said broken and useless parts of instruments and general stores collected over a period of years condemned to be set aside for destruction?

(b) What is the period of years indicated in the reply?

(c) Who were the members, and what were the dates, of the respective Boards of Survey which so condemned the stores?

(d) Whether it is the rule for "condemned stores" to be held over for a period of years before disposal as recommended by the Boards of Survey? If not,

(e) Why was this special procedure adopted by the authorities of the Survey Department? And

(f) Whether Government will kindly lay on the table of this Honourable Council the findings of the respective Boards of Survey which condemned the stores?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

"The broken and useless parts of instruments and general stores" referred to were not on charge as they were a collection of rubbish accumulated on the distribution of the Southern Provinces Survey Department at the beginning of the war; they consisted mainly of old tin plan cases in which sunprinting linen was received from the manufacturers in England, old axe heads, rusty and obsolete link chains, and various parts of compasses and other minor surveying instruments some of which had belonged to the Southern Nigerian Intelligence Department.

This dump was accommodated in the old Cadastral Office in Broad Street and kept against the time when a re-organisation of the stores of the Department was possible. Anything that could be made use of in the repair or replacement of parts of partly damaged instruments was examined with that object.

(b) From 1906.

(c) No Board was appointed for the reason given at (a).

(d) No.

(e) Does not arise in view of the reply to (c).

(f) Does not arise in view of the reply to (c).

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

76. To ask whether Government will state the cost of establishing the fire alarm centres indicated in the report of the committee referred to in the reply of the Honourable the Acting Administrator of the Colony to question No. 54, page 21, Legislative Council Debates, September 28th, 1929?

(b) If that cost is not considered justified by Government, from the viewpoint of the many lives already unfortunately lost which might have been saved by timely notification of the outbreaks of fire, to ask whether the expenditure is so out of proportion to the value of property, and of merchandise, in Lagos as to render its outlay prohibitive and unsound?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The cost of establishing public fire alarm centres at 100 points within the Municipal Area of Lagos is estimated to amount to about £20,000.

(b) The desirability of establishing public fire alarm centres was emphasised by the Committee to which the Honourable Member refers and the whole question will be considered by Government as soon as the financial situation permits. Meantime it may be said that the number of deaths caused by fire and the extent of damage to property by fire is not excessive.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

77. To ask whether European civil servants of the Nigeria Administration, other than Judges of the Supreme Court, are not amenable to legitimate criticisms in Council, during question time, in respect of their conduct in the discharge of the duties for which they draw their emoluments, allowances, and pension rights, from the public revenue?

(b) Whether this same class of civil servants enjoy any special immunity, not granted to the African class, against reasonable and constitutional attempts on the part of members of this Honourable Council to get at facts when statements of grave official misconduct are alleged against them? If they do not enjoy any such immunity,

(c) To ask why has Government exercised such reticence in connection with the termination of Mr. Craney's appointment, and his hurried departure from the Colony, by refusing to disclose the circumstances relative thereto, whilst those in connection with the termination of the appointment of Mr. Mazelli of the same Survey Department have been freely indicated? (*vide* replies to questions Nos. 15 and 16, Legislative Council Debates, September 30th, 1929, page 38).

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The answer is in the affirmative.

(b) The answer is in the negative.

(c) In all cases of this nature the extent to which it is desirable in the public interest to disclose facts must remain at the discretion of Government.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

78. To ask whether it is not a fact that Mr. Mazelli was largely instrumental in ferretting out the shortages which resulted in the conviction of Mr. Daniel, as well as other grave irregularities in the handling of Survey Department stores? And

(b) Whether the termination of Mr. Mazelli's appointment following so closely upon his activities which led to the discovery of many and grave irregularities in the handling of stores of the Survey Department, will not have the tendency to undermine the morals of the Service so far as the members of the African staff are concerned, by creating the undesirable impression that it is far safer to wink at such irregularities and keep one's post than to expose them at the risk of losing that post?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Mr. Mazelli was posted to the stores branch of the Survey Department on the 16th of June, 1928, and took over the main ledger. It was not until November, 1928 after Mr. Daniel had been arrested, on the representations of the European Storekeeper, that Mr. Mazelli discovered the irregularities in the ledger which he himself had been keeping.

(b) The termination of Mr. Mazelli's appointment, which had no connexion with the case of Mr. Daniel, was in consequence of his subsequent allegations of irregularities which were found to be untrue, and of his insubordination and contravention of General Orders.

It is considered that the termination of his appointment will have a beneficial effect on the discipline and moral tone of the staff of the stores branch of the Survey Department.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

79. To ask whether Government will give an indication of the number of gramophones and gramophone records purchased, and paid for from the public revenue, by the Education Department, up to date?

(b) Whether the instruments and records are purchased as furniture, or as school materials? If as furniture

(c) To ask how many other Departments have made similar purchases of gramophones and records from the public revenue? And if as school materials,

(d) In the teaching of what subject, or subjects in the curriculum are gramophones and gramophone records being employed?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

As far as can be ascertained, four gramophones, with accompanying records, have been supplied to the boarding departments of certain schools.

With regard to (b), the answer is school equipment.

With regard to (c). No other Departments of Government so far as is known.

With regard to (d). No subject in the curriculum but recreation and the employment of leisure hours.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

80. To ask for a statement of the number of women that have been held by the Egba Native Administration under conditions indicated by the term Dipomu, during the last ten years?

(b) How many are being so held at present, and what is the period of time in each case?

(c) How does the status of a Dipomu differ, for all practical purposes, from that of a state slave or pawned woman? And

(d) Whether it is not a fact that the Native Courts, of that Administration demand and receive ten *per cent.* of all monies paid for each Dipomu's release?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

There are no records of the number of women who have been accepted as Dipomu during the last ten years. The number admitted from August to December, 1929 was sixty-six.

(b) The present number is seventeen of whom four have been accommodated for five months, one for four months, five for three months, five for two months, and two for one month.

(c) The status of a Dipomu in no way resembles that of a state slave or a pawned woman. A Dipomu is a woman who has applied for divorce but whose prospective husband is unable to refund dowry and cannot provide surety and whose parents refuse to take her back or make themselves responsible for the dowry in case she should elope. They sleep in special quarters in charge of a caretaker, are free to go out during the day time or to receive visitors, and no work is expected of them. They leave as soon as the dowry is paid or surety for its payment given and they may not stay over six months. The system is as old as Abeokuta and its sole object is to discourage immorality.

(d) The dowry is paid through the court and ten *per cent.* is taken as the court fee; the husband pays for the Dipomu's subsistence and the cost of this is refunded by the new husband without deduction. No other money is paid.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

81. To ask whether the "Rules relating to Native Marriages and Divorce" recently submitted to, and presumably adopted by, the Egba Administration Council have received the approval of the British Government? If so,

(b) Whether the "Rules" may not be laid on the table of this Honourable Council?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

No such rules have been adopted by the Egba Native Administration. The second part of the question does not therefore arise.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

82. To ask whether it is not a fact that promotions in the "Central Departments" of the Colony's Administration are made by merit, whereas those in the "Southern Provincial Departments" are by seniority? If that be so,

(b) Whether the rule of "promotion by seniority" does not make it difficult, if not absolutely impossible, for Second-class Clerks to obtain deserving promotion where there are 320 Second-class Clerks looking forward to only forty-six possible appointments as First-class Clerks? And

(c) Whether there is any difficulty in obtaining transfers from a "central" to a "provincial" department or *vice versa*?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Promotions within the clerical service are regulated by General Orders 491 and 492. A copy of these Orders can be made available for the Honourable Member's perusal should he so desire:

(b) The question does not arise.

(c) Transfers from a "central" to a "provincial" department and *vice versa* are only made when very good reasons for such transfers exist and when the interests of the service admit. Government is not aware of any difficulties.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

83. To ask whether it is true that the recent disturbances in the Opobo District arose from the fact that the lump sum of poll-tax prescribed for, and demanded from, the Opobo Division not being realised, a European Tax Officer was sent with interpreters and other men to effect a re-assessment of all the districts under Opobo Division?

(b) Whether it is also true that as the result of the attempt at re-assessment the women traders were on the 16th of December last emboldened to make the following demands; namely:—

(i) That they do not want to pay any tax.

(ii) That they do not want their men-folk to pay tax any longer.

(iii) That no harlots are to be arrested.

(iv) That no market tolls are to be paid.

(v) That no assessment of their food stuffs should be made for taxation purposes.

(vi) That their Chief should be deposed? If so,

(c) To ask whether it is also true that typewritten replies to these six demands were distributed to the women traders that same day? And if so,

(d) Whether Government will state categorically what the replies were?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

(a) No. In the neighbouring Ukam district disturbances followed an attempt at assessment which was undertaken to ascertain the equity of the distribution of the tax liability. The tax for the current year had already been paid.

(b) A reply as to whether these demands were made is as follows:—

The women of Opobo rioted on the evening of the 15th and looted the Native Court Post Office and Dispensary at Opobo. They also announced their intention of attacking the factories on the 16th. The District Officer had previously arranged a meeting to hear any grievances at the Rest House on the 16th. Instead of assembling at the appointed place a riotous mob invaded the station wearing not their ordinary clothes but palm leaves as a sign of their hostile intentions.

With regard to the list of demands set out in the Honourable Member's question the replies are:—

(i) Yes.

(ii) Yes.

(iii) No.

(iv) Yes.

(v) No.

(vi) Yes.

(c) Typewritten replies were given.

(d) The women were informed they were not to be taxed and that their other demands would be placed before Government. The Government would like to take this opportunity of paying a tribute to the helpful and courageous conduct of the Honourable the Member for the Rivers Division.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

84. To ask whether it is true that during the recent disturbances at the Opobo and Calabar districts the women traders who were shot down were armed with only sticks and leaves? If so,

(b) In what manner did their actions, armed as they were with only sticks and leaves, provoke or necessitate so drastic an order as shooting?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The majority of the mobs of women on whom fire was opened during the disturbances at Opobo and elsewhere in Calabar Province were armed only with sticks, but a few were armed with machetes.

(b) The attention of the Honourable Member is invited to the Report of the Commission of Inquiry which has been laid on the table, from which it will be seen that the riotous conduct of the women and their refusal to disperse made it necessary for the responsible officers to give the orders to fire, orders which, in the opinion of the Commission of Inquiry, were fully justified.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

85. To ask if Government will kindly state whether it was the O.C. Troops who asked the District Officer if he could shoot down the women and the District Officer consented, or whether it was the District Officer who on his own responsibility ordered the O.C. Troops to open fire?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

At Opobo, when the mob was pressing forward on to the troops, the noise being very considerable, the Officer Commanding the Troops asked the District Officer by signs whether he should take over. The District Officer signified his agreement in the same manner. The order to shoot was then given by the Officer Commanding the Troops.

At Abak the Officer Commanding the Police and at Utu-Etim-Ekpo the Officer Commanding the Troops gave the order to fire, having received written instructions from the District Officer to use force if it proved to be necessary.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

86. To ask whether it is a fact that some of the villages in the Aba District were ordered recently to pay £1,000 and £1,500, respectively, within twenty-four hours, failing which the villages will be razed to the ground; and whether it is also a fact that the respective amounts were paid forthwith?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The facts are as follows:—

Certain deposits were authorised under instructions which were based on general directions issued for the use of armed forces. The Honourable Member may not have realised the gravity of the situation and the urgent necessity to check disorder and rioting. It was essential that such deposits should be required from communities who had profited by looting if the spread of similar disorder elsewhere was to be discouraged and checked. These deposits will be set off against any fines that may be imposed under the Collective Punishments Ordinance. Any amount deposited in excess of a fine under this Ordinance will be returned and the amount of the deposit will otherwise go towards the liquidation of the fine.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

87. To ask whether the cause, or causes, of the various disturbances in the Owerri Province which in December last were said to be "obscure" have since been ascertained? And

(b) Whether Government has been able to discover the person, or persons, responsible for the spread of the false reports "as to a proposed change in the system of taxation" which, according to official report published on the 16th of December last, caused excitement and created the disturbances amongst the people?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to my reply question No. 4.

(b) The person responsible for what is believed to be the first report regarding the alleged change in the system of taxation is a man named Okugo one of the members of the Native Court of Olóko, in the Bende Division of Owerri Province. This man was convicted, on the 5th of December last, of an offence against section 59 (b) of the Criminal Code, and sentenced to two years' imprisonment.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

88. To ask whether in the interest of economy and efficient administration the amalgamation of the prisons of the Northern and Southern Provinces is not being contemplated by Government, since the officer who held the dual position of Inspector-General of Police and Director of Prisons, Northern Provinces, has retired on pension?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The answer is in the negative.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

89. In view of the loss of life amongst people who have attempted to bathe at Victoria Beach and along the Lagos lagoon, whether Government will not consider the desirability of constructing a swimming bath for public benefit at some suitable site in Lagos?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

In the interests of economy it is not considered desirable to construct a swimming bath in Lagos. The cost of a very small bath would probably be in the neighbourhood of £1,000 and would cost £600 a year for water alone without other upkeep charges. The Victoria Beach and Lagoons are regularly used by large numbers of persons for bathing and Government is not aware that the fatalities from drowning are more numerous than at other bathing resorts throughout the world.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

90. Ask whether the Superintendent of the Fire Brigade, who probably is the Colony's fire-fighting expert, is perfectly satisfied with the fire-fighting resources of the Fire Brigade as at present equipped at the Lagos, Ebute Metta and Apapa stations?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The Superintendent of the Lagos Fire Brigade carries out his duties under the supervision of the Inspector-General of Police who is Fire Commissioner for Nigeria.

The Inspector-General is satisfied that the Lagos Fire Brigade is now adequately equipped to cope with any ordinary fire which may occur within the Township.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

91. With reference to the reply given to question No. 75, Legislative Council Debates, September 28, 1929, page 28, and as the Principal of King's College is now in the Colony, to ask whether the investigation which was then pending has been made? If so,

(b) Will Government kindly lay on the table of this honourable board the result of the investigation?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

The memorial was passed to the Principal, for his remarks, immediately on his return from leave. The Principal's explanation was passed to the signatories, who were informed that, if they were dissatisfied with the Principal's comments on the memorial, the Director would be glad to meet them with the Principal in order to elucidate further the causes of dissatisfaction, if any. No answer was received to this letter, and, as there appeared to be no foundation for most of the points raised, the matter has been allowed to drop.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

92. To ask whether there was a medical examination of the pupils of Queen's College between the 14th and the 16th of January last, during which the girls were stripped to the skin above the waist, and in the presence of a male nurse? If so,

(b) Whether the examination was carried out with the previous knowledge and consent of the parents or guardians of the girls?

(c) Why was a male nurse, and not a female nurse, employed on the occasion?

(d) Whether there are any regulations, exclusive to Queen's College, under which the examination was carried out?

(e) Whether under medical inspections of schools, or colleges in England and elsewhere, girls have to be stripped to the waist for examination, and the examination is done in the presence of male nurses?

(f) Whether there was a suspicion of there being a notifiable disease amongst any of the pupils of Queen's College to warrant a medical examination of the nature carried out at Queen's College between the 14th and 16th of January last? If not

(g) What is the reason, or what are the reasons, for the examination, and by whom was it ordered?

THE HON. THE DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

(a) A medical examination of some of the pupils of Queen's College was carried out on the 15th and 16th January. Their clothes were slipped over their shoulders to allow for an adequate examination of the heart and lungs. There was a male nurse present.

(b) The girls were informed two days before that the examination was to be carried out.

(c) It is regretted that a female nurse was not employed to make the necessary clerical records, but the examination was held in the presence of a European Mistress and Government is quite satisfied that the proprieties were fully observed.

(d) The answer is in the negative.

(e) In England girls have to undergo such an examination and their clothes are slipped over their shoulders for an adequate examination of the heart and lungs. Male nurses are not employed.

(f) The answer is in the negative.

(g) The importance of medical inspection of school children to detect defects early and have them treated is recognised in all civilised countries. Medical inspection at Ibadan has resulted in the discovery of a high percentage of infection with schistosomiasis amongst the school children there. This has led to further investigation on the lines of curative and preventive treatment.

Of twenty-eight girls examined at Queen's College over fifty per cent. were found infected with malarial parasites and one with filaria. Twelve out of twenty-eight had defective vision requiring treatment and two of them maintained a stooping position on account of this. Four out of the twenty-eight had marked follicular tonsillitis, one had nasal obstruction and two required dental treatment. The examination was carried out on the instruction of the Director of Medical and Sanitary Service at the request of the Education Authorities.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

93. To ask whether, in the opinion of Government, some measure of modification of the system at present obtaining under the constitution of the Provincial and Native Courts in their relations to the jurisdiction of the Supreme Court, and the administration of justice by them, is not now desirable? And

(b) Whether in the opinion of Government the time has not arrived when throughout Nigeria the privilege of the services of counsel in capital offences should be granted to all natives as a matter of right and in the interest of justice?

THE HON. THE ACTING ATTORNEY-GENERAL:—

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

(b) In view of the facilities provided by law for the transfer of capital cases to the Supreme Court where accused persons can avail themselves of the services of counsel, the Government does not consider that any injustice is caused merely because the services of counsel in such cases is not granted as a matter of right.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

94. To ask whether Government has as yet received the report of the Commissioners of the Commission of Enquiry held in the disturbed areas of south-eastern Nigeria? If so, or when it is received,

(b) Will His Excellency be pleased to direct that copies of the minutes of evidence and of the full reports be supplied to Honourable Members?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The Honourable Member is referred to my reply to question No. 4.

(b) The answer is in the affirmative.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

95. In view of the fact that goldsmiths, barbers, and members of kindred trades, have been levied in the Colony with a flat rate under the Income Tax (Colony) Ordinance, 1927, as it stands, to ask whether such a levy is not a "Poll-Tax being collected under an Income Tax Ordinance"? If that be so,



(b) To ask whether the collection of a poll-tax under an Income Tax Ordinance does not vitiate the Ordinance in terms of Royal Instructions, (Colony) XV (1) and (2)?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The income of a person employed in any of those trades to which the Honorable Member refers is assessed under section 5 of the Income Tax (Colony) Ordinance, 1927, by the Administrator on the information at his disposal as to actual incomes which are in fact derived from the particular trade in which such person is employed.

The tax therefore is not a poll-tax and question (b) accordingly does not arise.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

96. To ask whether the following statements are correct; namely:—

- (i) That there is in the service to-day at least one European Medical Officer who (in 1926) failed in his final examination when two African Medical Officers were successful?
- (ii) That his fees for the course of instruction in Tropical Medicine and Hygiene in the Liverpool School of Tropical Medicine were defrayed by the Nigerian Government although he failed to obtain the diploma at the end of the course?
- (iii) That he was admitted into the West African Medical Service without holding any previous house appointment either in England or anywhere?
- (iv) That on arrival in the Colony on his appointment he was placed in sole charge of a station without doing any period of practice in any of the large hospitals of the Colony?
- (v) That he was granted extension of leave up to nine months, during his first leave, and his fees for the first Diploma in Public Health course were again defrayed by the Nigerian Government? And
- (vi) That although he up to the present holds no Diploma in Public Health, Tropical Medicine, or Tropical Hygiene, he is in charge of a very important section in the Health Department of the town drawing over a thousand pounds in emoluments and allowances, whereas African medical practitioners who passed their medical and their tropical hygiene examinations successfully at the time when this European Medical Officer failed have been refused admission into the medical service of the Colony unless as Junior Medical Officers with a reduced salary of £400 per annum for two years?

(b) If these statements are correct in substance, to ask whether the establishment of a Junior Medical Service for African medical practitioners is not an invidious distinction because of their nationality, seeing that a corresponding grade in connection with European medical practitioners seeking admission into the Medical Service of the Colony does not exist?

THE HON. THE DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

(i) It is presumed that the first section of this question refers to the final examination at the end of the Tropical Diseases Course and not to the final examination in medicine. One European Medical Officer stationed in Lagos attended the Tropical Diseases Course at Liverpool but was granted permission by the Secretary of State not to enter for the examination for the Diploma at the end of the course, owing to his absence due to urgent private affairs.

(ii) His fees for the course of instruction in Tropical Medicine and Hygiene in the Liverpool School of Tropical Medicine were defrayed by the Nigerian Government.

(iii) He was admitted into the West African Medical Service on account of shortage of staff without holding any previous house appointment either in England or elsewhere.

(iv) He was placed in charge of a station without doing any period of practice in any of the large Hospitals of the Colony on account of the shortage of staff and the exigencies of the service.

(v) He was on leave from 5th March, 1929 to 27th October, 1929, during which time he passed the first part of the Diploma in Public Health Examination. Four and a half months of this leave was due to him on account of service in Nigeria.

(vi) He has passed the first part of his Diploma in Public Health Examination at Edinburgh University. He is not in charge of any section of the Health Department. He is attached to the Medical Officer of Health for plague duty and having had special bacteriological training in the first part of the Diploma in Public Health Examination he is suitable for this type of work. The answer to the second part of this question was given in reply to question No. 72 asked by the Honourable the First Lagos Member at the Session of Legislative Council in September, 1929.

THE HON. THE FIRST LAGOS MEMBER (DR C. G. ADENIYI-JONES):—

Arising out of the answer to that question, Sir, may I ask whether the Honourable the Director of the Medical and Sanitary Service meant that the officer referred to was successful in the final examination which he took at the same time as the two African Medical Officers, in which the two latter were successful?

THE HON. THE DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

The Honourable Member's question is not fully understood. The officer in question has passed his final examination in medicine. He did not sit for the final examination of the Tropical Diseases Diploma at the end of his course, but he has passed the first part of the Diploma in Public Health.

THE HON. THE FIRST LAGOS MEMBER (DR C. G. ADENIYI-JONES):—

97. Will Government kindly give an indication of the varieties of direct taxes demanded and collected at Ijebu Ode Province? And

(b) Whether it is a fact that Poll Tax and Income Tax are demanded and collected annually from one and the same person; and that Poll Tax is assessed at the rate of 5/- per male person and 2/6d. per female person?

(c) Whether it is true that in the Urban District Income Tax is arbitrarily assessed according to rank or class irrespective of income? And

(d) Whether in the Rural Districts the same tax is assessed at the rate of one shilling per 100 cocoa trees and five shillings per 100 kola trees?

HIS HONOUR THE LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

There are two kinds of tax in the Ijebu Ode Province, a tax of five shillings on adult males and two shillings and sixpence on adult females in receipt of incomes of less than fifty pounds per annum and an income tax on all persons whose income is estimated to exceed fifty pounds a year.

(b) In the case of persons paying income tax the poll-tax is included in the income tax, but as a matter of convenience two receipts are given, one for the amount of the poll-tax and one for the tax on the income in excess of fifty pounds.

(c) It is not true.

(d) The method of assessing income tax in rural districts is as stated by the Honourable Member but only cocoa trees over three years old and kola trees over six years old are counted for this purpose.

I might add with regard to this form of tax that by my direction given before this question was asked, inquiries are being made into the equity of the incidence resulting from it.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

98. To ask whether it is true that three men from Ijebu Igbo, namely, Yesufu Black, Joseph Okuneye, and David Dejo, made certain statements recently, but not on oath, at Ijebu Ode to the District Officer at his house in the presence of the Medical Officer in charge of Ijebu Ode, and they were told to return at 8 o'clock in the morning of the next day?

(b) That when they did return two of them, Okuneye and Black, contradicted the story of the previous day? And

(c) Although the story they contradicted was not made on oath or in Court, the two men were each sentenced by the District Officer to four months imprisonment and are serving the sentence at the present time at Ijebu Ode?

THE HON. THE SECRETARY, SOUTHERN PROVINCES:—

(a) Yes.

(b) Yes.

(c) It is not possible to give further information until the result of certain inquiries which are being made is known.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

99. Whether the attention of Government has been directed to "An Ordinance to make provision for appeals to the West African Court of Appeal in criminal matters" based on the English Court of Criminal Appeal Act of 1907, which has recently been passed by the Legislative Council of Sierra Leone?

(b) Whether the Government will not consider the advisability of introducing a similar Ordinance giving a convicted person the right of appeal on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or on any other sufficient ground?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The Government is cognisant of the enactment by the Legislative Council of Sierra Leone of an Ordinance making provision for the hearing of appeals in criminal matters by the West African Court of Appeal.

(b) The reasons, which influenced the Government in coming to the conclusion that no benefit would accrue to Nigeria as the result of the inclusion of the latter within the ambit of the West African Court of Appeal, were fully stated in the answer given by the Acting Chief Secretary to the Government to question No. 7 by the Honourable the Commercial Member for Lagos on the 26th November, 1928, and in that given by the Acting Attorney-General to question No. 36 by the Honourable the Member for Calabar on the 31st January, 1929. The Government is of opinion that these reasons still hold good.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

100. What would be the approximate cost to the Revenue of Nigeria if the local Supreme Court were to be associated with the recently established West African Court of Appeal?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

It is not possible to give even an approximate estimate.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

101. How soon does the Railway Management intend to place a level crossing near Yaba Halt Station with a view to facilitating traffic to and from Suru Lere?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Railway Management has expressed its willingness to construct a level crossing at Suru Lere on the condition that the applicants for this facility pay the cost of construction and yearly maintenance, which is estimated to be £75 for construction and £7 10s. *per annum* for maintenance.

The Lagos Town Council is now considering the question of whether to accept responsibility for these costs.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

102. When does the Government intend to make a full exposition of its new educational policy to the Legislative Council?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

It will be necessary, first, that the sanction of the Secretary of State be obtained for the principles involved before any new departures in educational policy can be discussed in Legislative Council.

THE HON. THE COMMERCIAL MEMBER FOR CALABAR (MR. G. GRAHAM-PAUL):—

May we have some indication, Sir, in view of the importance of this matter, as to when this scheme will be forwarded to the Secretary of State, and if at the next Session of this Council the Honourable the Director of Education will be able to make a definite statement?

HIS EXCELLENCY:—

It is quite impossible to answer that question. I can only say that I propose to address the Secretary of State on this matter probably in April of this year. The Director of Education's scheme in full has not yet been laid before me, and until I have considered it I cannot say what I am going to say on the subject to the Secretary of State.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

May I ask, Sir, whether the scheme has yet been put into operation?

HIS EXCELLENCY:—

The scheme cannot possibly be put into operation before I have the approval of the Secretary of State, and I have not yet addressed him.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

103. Whether the new educational policy introduced by the Director of Education is not, in effect, an amendment of the Education Code of 1926, and if so why was not an amending Ordinance enacted before the policy was put into operation?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

No new educational policy has yet been introduced. If it is thought that modifications in the existing law are necessary to implement an extended educational policy, an amended Ordinance will be introduced in due course.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

104. Whether the attention of the Government has been directed to the well-founded criticism of the new educational policy, contained in the Editorial of the "Catholic Herald" for January, 1930?

(b) What attitude does the Government intend to assume in respect thereof especially as such criticism is not confined to the Catholic Missions alone?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

Government has been informed by the Head of the Catholic Community in Lagos that he takes no responsibility whatever for the editorial in question. No new educational policy will be introduced until the Missionary bodies have been fully consulted.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

105. How many candidates were successful at the Government Middle School Examination held in November last at Ibadan?

(b) Of these how many have actually entered either by gaining free scholarships or by payment of school fees.

(c) What are the reasons put forward by successful candidates who have not yet entered, if any?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

128 candidates reached the required standard.

(b) Of this number, ten were granted scholarships. Six of these scholars have arrived at the school up to date, and the rest are expected to arrive shortly. Thirty-six scholars have already arrived as fee-paying students, and it is expected that the required number of students will be realised within the next two months.

(c) The reason put forward by successful candidates who have not yet entered is the unwillingness of their parents to pay the school fees.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

106. Whether the Director of Education does not consider it advisable to allow payment of the school fees by smaller and more convenient instalments than at present in force?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

At present, in Primary Schools, the fees are generally payable monthly, though, in some cases, they are paid quarterly. In boarding schools the fees are paid quarterly. This would appear to be a reasonable and convenient arrangement for all concerned.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

107. How does Government intend that educational matters affecting the Colony be dealt with effectively when under the new scheme it is proposed to station the Assistant Director of Education at Ehugu and the two Chief Inspectors at Enugu and Ibadan respectively?

(b) Whether such a change of policy will not be detrimental to the best interests of the Colony?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

No definite decision has yet been reached with regard to the administration of education within the Colony when the Assistant Director of the Southern Provinces is moved to Enugu.

(b) Whatever arrangement is made, the best interests of the Colony will be just as carefully safeguarded as those of Northern and Southern Nigeria.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

108. In view of the fact that the present educational policy has made the teaching of the vernacular an integral part of the schools' curriculum, whether Government does not consider it desirable that a few Africans be trained as Superintendents of Education?

THE HON. MR. E. R. J. HUSSEY (DIRECTOR OF EDUCATION):—

Steps are already being taken to train Africans to supervise the work of schools in both the Northern and Southern Provinces. It is hoped that it will be found possible greatly to extend the principle of trusting Africans with work of greater responsibility in the Education Department.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

109. Whether the Agboyi Creek and its tributaries in their present condition can be considered safe for navigation by motor craft, barges or canoes?

THE HON. THE DIRECTOR OF MARINE:—

The Agboyi Creek is one of the mouths of the Ogun River. It is six miles long, very narrow and winding, and at its upper end has only two feet of water in the dry season. It was cleared in 1908, since when no further reports or complaints about its condition have been received.

It is presumed that by the expression "tributaries" the Ogun River itself is meant. The main mouth of this river debouches into the lagoon five miles further from Lagos than the Agbeyi Creek, it is also two miles longer than the latter. It is much wider, however, and except for a bar at its entrance carrying only two feet has a depth of not less than four feet in the dry season.

Subject to any clearing that may now be necessary the Ogun River should be navigable for motor boats, barges and canoes, drawing not more than two feet in the dry season, and up to any draught that can navigate the lagoon in the rainy season, as far up river as Mokoloki, thirty-nine miles from the mouths. No information about the river above Mokoloki is available, but it is probable that it is navigable for some miles further, for the same or a slightly diminished draught, until the rocky country near Abeokuta is encountered.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

110. Whether Government will not consider the advisability of opening the Creek into Lagos Lagoon for navigation purposes by deepening the channel and clearing it of the numerous obstructions at present blocking the waterway?

THE HON. THE DIRECTOR OF MARINE:—

No previous request has been received to clear the Ogun River of obstructions and it is not therefore included in the present waterway clearing programme.

The question of deepening the channels is one that will require further consideration.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

111. Whether it is not now considered expedient to apply to the Imperial Government for a substantial free grant from the Colonial Development Fund (following the precedence of Sierra Leone) for street drainage and for clearing and deepening the rivulets leading into the Ogun River?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Government has no information regarding applications which may or may not have been made by the Government of Sierra Leone for grants under the Colonial Development Fund. One of the main objects of the creation of the Fund is the promotion of industry and consequent relief of unemployment in the United Kingdom. It is not considered that either of the projects suggested would have such influence on industry and unemployment in the United Kingdom as to justify an application for a grant under the Fund to finance them, apart from the fact that they are of local rather than Nigerian interest.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

112. Whether it will not be more economical and tend to relieve unemployment if the Native Administration is entrusted with the management of such fund?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

In view of the answer to 111 the question does not arise.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

113. How soon will the Mental Disease Hospital buildings at Abeokuta be ready?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICE:—

Provision has been made to commence the building of the first unit (for 230 inmates) in 1930-31. It is hoped to complete this unit early in the financial year 1931-32.

THE HON. THE MEMBER FOR THE KORO DIVISION (MR. S. H. PEARSE):—

THE HON. THE DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

The wards and buildings actually to be occupied by mental patients are to be constructed in concrete. It has been considered advisable to construct Administrative blocks, kitchens, mortuary, etc., in cheaper materials in order to cheapen the total cost and to enable more rapid progress to be made with the provision of suitable accommodation for mental patients.

THE HON. THE COMMERCIAL MEMBER FOR KANO (MR. T. HEBURN):—

115: To ask whether the Honourable the Postmaster-General in order to provide adequate postal facilities at Hadeija, Ringim, Maidobi and Dangora, will favourably consider the opening of post offices at these points?

THE HON. MR. L. BETTESWORTH (ACTING POSTMASTER-GENERAL):—

The Government is anxious to provide postal facilities at every station where the amount of correspondence to be handled justifies the expense. Recent statistics show that at Hadeija and Dangora the postal work to be done is almost negligible. Ringim is just at present Rail Head for Open Lines, and correspondence for that place is practically all for Railway officials. The Railway Construction authorities have made adequate arrangements for dealing with correspondence addressed to Ringim.

A Railway Postal Agency is operating at Maidobi and adequately serves the needs of that station.

#### RESOLUTIONS.

The Hon. the Chief Secretary to the Government:—

Sir, I rise to move the following resolution.

“Resolved: That this Council approves the grant of a sum of £1,100 a year for four years as from the 1st of November, 1929, to the Overseas Mechanical Transport Directing Committee, being Nigeria's share of the Colonial contribution of one quarter of the estimated cost of the experiments at present being carried out by that Committee.”

A Sessional Paper has been laid on the table this morning which sets out the correspondence which is the basis of this resolution, and whilst I am sure that it gives all the facts necessary, I will just go through it with the Council and draw attention to the various heads. The whole question arises from a matter which was discussed at the Colonial Office Conference in 1927, and as a result a sub-committee of the Committee of Civil Research was formed to consider the question of the development of mechanical transport. The Sub-Committee made a report, and subsequently to that what is called a Directing Committee has been appointed which for the moment will be under the charge of the Parliamentary Under-Secretary of State for the Colonies, but later on will come under the Overseas Mechanical Transport Committee.

The Secretary of State reported developments to us in January, 1929, and at the same time forwarded the report of the Sub-Committee. All this forms part of the Sessional Paper. You will see from page 4 that the problem the Committee had to consider was “how to devise a transport and haulage system capable of being operated at an inclusive cost per ton-mile intermediate between the present rate of about one shilling and sixpence for a motor-lorry service, and the average rate of twopence for a branch railway.” They considered which would be the most promising units for purposes of investigation and experiment. They stated that the experiments should be in the hands of the War Office in England as the staff of their Experimental Establishments consisted of men of accumulated experience who had been tackling the problem for many years. That was done.

You will see on page 6 that all this experimental investigation was to cost a considerable amount of money, and in paragraph 19 of page 6 some indication of the cost is set out. The Committee first of all state that it will be necessary to provide for a large

transport unit which will cost possibly £8,000 apiece, making a total of (say) £50,000. Further, they want to investigate such things as the best forms of small unit trailers, fuels, low pressure tyres, air-cooled engines, etc. In addition there will be the administrative costs, and altogether the total cost is put down at £120,000 spread over a period of five years.

As regards financing the scheme, the Empire Marketing Board have agreed to contribute £60,000 out of the total of £120,000, which is exactly half. Further, they have agreed for the first year to pay the whole cost of the scheme, a sum of £20,000. It has been agreed that out of the total sum of £120,000, apart from the Empire Marketing Board's contribution of £60,000, the Oversea Governments should stand the remaining £60,000. That again is split up into the proportion to be borne by the Dominions and the proportion to be borne by Colonies, Protectorates and Mandated Territories. It has been agreed that the Colonies, Protectorates and Mandated Territories should between them pay £30,000, that is to say one-quarter of the total cost of the experiments over a period of five years. On that basis we are asked to pay as our share a sum of £1,100. You will see on page 16 of the Sessional Paper that the contributions are to be paid for a period of four years, and the Secretary of State writes as follows:

"Having regard to the relative degree of interest and importance which the experiments present to the various Governments concerned, and to the financial position of these Governments, I consider that it would be equitable that the amount of the annual payments should be as follows:—"

The amounts are then set out and Nigeria and the Gold Coast are each put down for £1,100.

You may ask: "What has all this got to do with Nigeria?" It is quite certain that our railways cannot penetrate to every possible part of the country, nor should they do so, so that we must have roads designed for the purpose of increasing our trade and for administrative purposes generally, and these roads must be possible for motor traffic to proceed along them. Such motor transport should be of the most economical type and the best suited to the country. Once we can get that it is clear the trade and prosperity of Nigeria will increase, therefore these experiments and investigations have a direct bearing on the position of Nigeria to-day, and will possibly have a greater bearing in the future. I beg to move the resolution standing in my name.

The Hon. the Treasurer:—

I beg to second the motion.

*The resolution was carried unanimously.*

The Hon. the Acting Attorney-General:—

I beg, Sir, to move the following resolution:—

"Be it resolved: That the Report of the Select Committee appointed to consider the revision of the Standing Rules and Orders of the Council be adopted."

The Hon. the Member for the Colony Division (Sir Mitoyi Ajasa, Kt., O.B.E.):—

I beg, Sir, to second the motion.

*The resolution was carried unanimously.*

The Hon. the Acting Attorney-General:—

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

"Be it resolved: That the draft Standing Rules and Orders as amended by the Report of the Select Committee be adopted."

The Hon. the Member for the Colony Division (Sir Mitoyi Ajasa, Kt., O.B.E.):—

I beg, Sir, to second the motion.

*The resolution was carried unanimously.*



The Hon. the Chief Secretary to the Government:—

I beg, Sir, to move the following resolution:—

“Be it resolved: That this Council do approve the grant of  
 “ a contribution of £1,695 spread over three years  
 “ towards the cost of a Veterinary Scholarship Scheme  
 “ on the terms set forth in the Secretary of State's  
 “ Miscellaneous (2) despatch of the 30th of April, 1929,  
 “ which has been printed and laid on the table to-day as  
 “ Sessional Paper No. 11 of 1930.”

Again, Sir, to appear in the rôle of a beggar for money. If Honourable Members will turn to the Sessional Paper they will find this matter dealt with very fully. The first enclosure is a despatch dated August, 1927, in which the Secretary of State said he considered the whole question of the Veterinary Services so important that he had decided to appoint a Committee, the members of which are detailed on the first page of the Sessional Paper. In order to assist the Committee he set out certain questions to which he asked the Officer Administering the Government to reply. You will find on page 3 that in an enclosure from a despatch from here we gave replies to those several questions, on the points as to how many men we would require in the future, and whether they were to be specialists or research officers. Thereupon the Committee, which by that time had got replies before them from all the Colonies, were able to make a report, and that report was forwarded to us in April, 1929. The report also appears as an enclosure in this Sessional Paper. The report is dealt with and summarised on pages 5, 6, 7 and 8 of the Sessional Paper, and the Secretary of State alludes to the various points on which the report of the Committee made comments. They refer to such matters as post-graduate instruction and recommend that a School of Tropical Veterinary Science should be established modelled, on the lines of the London School of Hygiene and Tropical Medicine. They suggest an organisation at the Colonial Office to advise the Secretary of State on veterinary affairs. They also suggest the establishment of various research stations in different parts of the Empire, and they recommend finally what they call a “unified Colonial Veterinary Service” very similar to what now exists on the agricultural side. The Committee also stated that the most urgent problem was to arrange that there should be a steady supply of fully qualified candidates to take up posts in the various parts of the Empire. One difficulty has been that when we have had fully trained men we have not had the vacancies to absorb them, and when we have had vacancies, we have had no men to fill them. Therefore this scheme is drawn up to provide a system of scholarships, which is designed to turn out regularly sufficiently fully trained men to fill the number of anticipated vacancies in the different parts of the Empire. The Secretary of State emphasised the point that the most important thing is to get the scholarship scheme going. The other matters, important, even vital, as they were, were yet not so important as the necessity of finding suitable men and training them to come out and take up their positions at once. Therefore the scholarship scheme was the point upon which the Secretary of State set his serious attention, and Honourable Members will see that on page 9 of the Sessional Paper, he sets out the cost to Nigeria of this scheme for the first, second and third years. Nigeria's share is based on Nigeria's needs. I do not quite know how the amount of £325 is arrived at, but at any rate two-thirds of the cost is to be borne by the Colonies, and one-third by the Imperial Government. The Imperial Government, we are now told, are willing to pay their share, and of the remaining two-thirds the Secretary of State has informed us that our contributions should be £325 for the first year, £615 for the second year, and £755 for the third year, making a total of £1,695, and it is this amount I am asking you for now.

I do not think any of you are in any doubt at all that the Veterinary Department is one of the most important departments in Nigeria. You are well aware of the immense amount of work they are doing with regard to rinderpest, and also the great measure of success attained. Yet the work is by no means finished as only certain provinces have been tackled, and a vast amount remains to be done. That work we cannot do until we get the men and it is work that can only be done by fully trained men. Further, there is not only the question of rinderpest, but of many other diseases amongst cattle, which are at present under investigation, and which have not been entirely obliterated. One question arises in connection with sheep and goats. The goat leather trade of Nigeria

is big, yet it might be bigger, because our best skins obtain a very high price in the world's markets, and it is on these and similar matters that our Veterinary Department is now fully occupied, and will be more so in the future. We must therefore be satisfied that we are getting the best men possible to do this work, and this scheme is instituted for this very purpose. It is a scheme on which I think Nigeria stands to lose nothing, and I therefore move the resolution standing in my name.

**The Hon. the Treasurer:—**

I beg to second the motion.

*The resolution was carried unanimously.*

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

Sir, I rise to move the following resolution:—

“Be it resolved: That the Supplementary Estimates  
“1929-30 which have been laid on the table to-day be  
“referred to the Finance Committee.”

**The Hon. the Treasurer:—**

I beg to second the motion.

*The resolution was carried unanimously.*

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

Sir, I rise to move the following resolution:—

“Be it resolved: That this Council consent to the Order-in-  
“Council made by the Governor-in-Council under  
“section 12 of the Customs Tariff Ordinance, 1924, on  
“the 6th day of January, 1930, in so far as the said  
“Order relates to the Colony and to the Southern  
“Provinces of the Protectorate.”

Honourable Members have had a copy of that Order-in-Council placed on the table, and, Sir, section 12 of the Customs Tariff Ordinance provides that any Order made by the Governor-in-Council must be agreed to by resolution of the Legislative Council before it can take effect.

This Order-in-Council is divided into two parts, and the first deals with cap guns and percussion caps. Up till now cap guns and percussion caps have been prohibited by Executive Order, but, nevertheless, they have been brought in surreptitiously, and they have escaped duty. Further, cap guns although prohibited by Executive Order are not prohibited by law, and if you allow dane guns in they can be quite easily converted into cap guns. The matter was referred to all those interested, the Lieutenant-Governors, North and South, the Comptroller of Customs, and the Inspector-General of Police, and they are in favour of this Order-in-Council.

The other part of the Order deals with a new item in the exemption schedule of the Customs Tariff Ordinance, and it is proposed to add to the exemption list ice chests and refrigerators. May I say that this exemption already exists in the Gold Coast, and when the Governor-in-Council made this Order, the Council was quite satisfied that anything in this connection which could only be favourable in the highest degree to the health of the people of the country, was one that should be encouraged by every possible means in their power.

Any of you who may have been down to the Electrical Exhibition at Glover Hall this week cannot fail to have been struck by this fact, and the Director of Medical and Sanitary Service hopes to have your support in this matter on the grounds that it must encourage something which cannot fail to be of the greatest benefit to the health of the people of the country. I therefore ask this Council to approve the terms of this resolution which stands in my name.

**The Hon. the Comptroller of Customs:—**

I beg to second the resolution.

*The resolution was carried unanimously.*

[The Hon. the Second Lagos Member (Mr. E. O. Moore):—

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council considers it desirable  
 “ that the Supreme Court of Nigeria should be asso-  
 “ ciated with the recently-established ‘ West African  
 “ Court of Appeal ’ and humbly requests the Govern-  
 “ ment to take immediate action to secure that object.”

I am afraid, Sir, that the Honourable Attorney-General, in answering question 99 this morning misunderstood the object of that question. In asking that question I was not then referring to the West African Court of Appeal, but I was referring to an Ordinance which has recently been passed in the Sister Colony of Sierra Leone by which a convicted person is given the right of appeal on any ground which involves a question of fact alone, or question of mixed law and fact. I quite realise, Sir, that this subject is not an agreeable one for this Council. I think my honourable friend the First Lagos Member raised it some time ago, likewise did the Honourable Member for Calabar, and on the 28th November, 1928, my honourable and learned friend, the Commercial Member for Lagos asked this question at a session of this Council:

- “ (i) Has a scheme been formulated by the Colonial Office for setting up an Appeal Court common to the West African Colonies? .
- (ii) If so, is Nigeria to be included under the scheme? If not, why not? ”

The answer was given by the Honourable the Acting Chief Secretary to the Government, now His Honour the Chief Justice, and was as follows:—

- “ (i) The answer is in the affirmative as regards the West African Colonies other than Nigeria.
- (ii) Nigeria is not included under the scheme, as it is not considered that the establishment of such a Court would in any way benefit Nigeria at the present time, but would, on the contrary, cause unnecessary inconvenience and expense.”

That answer, Sir, was obviously unsatisfactory, and it was evidently so regarded by my honourable and learned friend, because at the very next session of this Council—the Seventh Session—he again referred to the matter in question No. 68:—

- “ On what grounds is Nigeria excluded from participation in the West African Court of Appeal? ”

The Honourable the Acting Attorney-General gave what I may call his stereotyped official answer by referring the honourable and learned gentleman to the answer previously given by the Acting Chief Secretary. Matters have since stood there, but, Sir, those who do not share the official view must take some steps to put their views before this Council and to ask Government to take some action in the matter, and it is for that reason I have tabled this motion for discussion.

We all know that the West African Court of Appeal was inaugurated under an Order in Council on the 1st November, 1928, which Order was published in the local Gazette on the 27th December, 1928. At present the Colonies participating in that scheme are the Gambia, Sierra Leone, the Gold Coast Colony and, I believe, Ashanti Province, but Nigeria for some reason or other, as usual, lags behind, and I am afraid it is the indifference of the people generally which has affected the Government. What are the reasons why Nigeria has not assisted in this scheme? They are given in the official answer which I have just read: first on the ground of expense, secondly on the grounds of inconvenience, and thirdly because it is not considered that the scheme would be of benefit to Nigeria.

Dealing first with the question of expense, I asked a question this morning as to what would be the approximate cost to the revenues of Nigeria. The Honourable Chief Secretary gave what I consider, if he will allow me to say so, a very unsatisfactory reply. He said, in effect, that it had not been worked out, but surely, if you refuse to come into the scheme on the grounds of expense, you ought to know what it is going to cost the Colony? I suggest that the Government should have made inquiries to see how much participation in the scheme was going to cost the Colony.

Next we are told that it would be inconvenient. I really do not know what that means exactly, but I find it difficult to believe that Nigeria, having at present one Chief Justice and four Puisne Judges, would find it difficult to participate in the West African Court of Appeal. The idea underlying the West African Court of Appeal, as I see it, is to form a Court of Appeal which would inspire confidence amongst litigants and amongst the community in general. I make bold to say, Sir, that outside Government circles there are others competent to express an opinion as to whether it would benefit Nigeria or not. Take as an instance my honourable friend the Commercial Member for Lagos who, for the past many years has been practising in the Supreme Court of Nigeria, enjoying a very extensive and lucrative practice. He, surely, is competent to express an opinion as to whether such a scheme would benefit Nigeria or not: I consider he is as competent as any member of the Government to express an opinion, and there are other lawyers who have been practising in the Courts for many years who share that view.

Again, Sir, it is not altogether a new idea. I happen to know that one of the ablest and conscientious of the Chief Justices we have ever had in Lagos, entertained that idea. I refer to the late Mr. W. Osborne, and, although his plan was different in detail, yet, substantially, it was the same, as he considered that an Appeal Court should be formed for the West African Colonies in general. It is that idea which those responsible for the formation of the West African Court of Appeal have developed, and I feel most strongly that more than any other West African Colony, Nigeria ought to be associated in this scheme. In the Nigerian Courts there come up from time to time questions of very grave importance, grave constitutional questions involving many thousands of pounds: I say, Sir, that in these cases it is necessary to have a guarantee of the most effective administration of justice, and such a Court as this would give general confidence. As I have said in this Council before, and I say it again, it must not be forgotten that one of the greatest traditions of the British Empire is its administration of justice, and I think no pains should be spared in making the administration of justice in Nigeria effective, inspiring general confidence among the people. It is for this reason, Sir, that I have submitted this motion, and I strongly appeal to the Unofficial Members to vote solidly for it, and if Your Excellency will be pleased to allow a free vote, I appeal also to the Official Members of this Council to give their votes in favour of it, because as I have said before, the participation of Nigeria in the scheme would tend to make the administration of justice more effective, and would give general confidence to the people.

**The Hon. the Third Lagos Member (Mr. T. A. Doherty):—**

In rising to second the motion of the Honourable Second Lagos Member, Your Excellency, I have a few remarks to make. The Government reason for refusing to join the West African Court of Appeal is so flimsy that it is hardly worth remarking upon. The only thing I can say is that it would appear to me that the Government has an ulterior motive for refusing to join in this West African Court of Appeal, and as the representative of the people I wish to say that we should be delighted if the Government would say exactly what is in their minds. Then we shall know exactly where we are with Government, but in a scheme of such importance as this in which all the other West African Colonies have joined, that Nigeria should be left out without any apparent reason whatsoever, baffles all speculation.

I have friends who come from the Gold Coast and they ask me why Nigeria does not join in the West African Court of Appeal? I have no answer to give them, and considering that I am a Member of this Council they thought at least I should be able to give them a reason. I therefore wish to ask if Government will reconsider their decision. The words "British justice" are well known throughout the world, and I hope this Government will not put any stigma or bring any slander on those words.

**The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—**

Your Excellency, I am supporting this motion because it is desirable in the opinion of almost every section of this community that such a measure as indicated in the resolution be introduced into the Colony. As you must know, Sir, it is a matter which has been exercising the minds of all British West African Colonies for a number of years now; and that the facilities have been granted

for the Sister Colonies is an indication of the success of the arbitrators or of the activities of certain sections of the people in those Colonies. Whether the respective administrations of the Gambia, Sierra Leone and the Gold Coast have been more amenable to the solicitations of the people of those countries, or whether our own solicitations have not been sufficiently serious or sufficiently earnest, I do not know, Sir, but the fact remains that the people in those Colonies have not what we are asking for, and we have not yet been granted those facilities. As Your Excellency knows, the Unofficial Members have not been idle about the matter, as was indicated in the speech of the Second Lagos Member when he referred to the fact that questions have been put in this Council by the Honourable and learned Member for Commerce in Lagos, by the Honourable Member for Calabar and by Your Excellency's humble servant. What, Sir, are the reasons which have been given against recommending to the Secretary of State for the Colonies the favourable consideration of our own applications here? Those reasons, as indicated in the address of the Honourable Second Lagos Member, are three: the first one is expense. The Honourable Member has said that no effort has been made to give us an idea of what the expense would be. I go further than that, Sir, and say that even if the amount involved appears large, I do not think the Government will be justified in putting forward that plea when the question of the liberty of the subject is at stake. Further, Sir, the Government has embarked on other schemes in this country which have involved an enormous amount of expense, and the fact that money had to be spent has not deterred the Government at all from carrying their schemes into execution. I can only refer to the enormous amount of money spent yearly in building and maintenance of bangalows, the building and maintenance of official quarters and offices, amounts, Sir, which seem to be increasing year by year, and I say with the most profound respect that if the Government does not hesitate to spend money on building, I do not see why the question of expense should interfere with the establishment of a system which is very desirable, and which the Sister Colonies of British West Africa are themselves enjoying.

Then there is the question of inconvenience. I submit, Sir, that if the Gold Coast, Sierra Leone and the Gambia have not found those inconveniences insurmountable, or found the scheme too difficult to tackle, it is a poor excuse for Nigeria that because it will inconvenience the administration perhaps just a little, that such an important scheme should be abandoned.

The next point, Sir, is that the scheme is superfluous. I think those are the exact words used in one of the answers given to a question raised here in connection with that Court of Appeal. Sir, I am not of a legal mind to be able adequately to give a legal and technical reason for supporting this scheme, but it must be remembered that when Sir Frederick, (now Lord Lugard) was drafting his scheme for the amalgamation of North and South Nigeria, he stated in his memoranda that there were certain departments of Government known as central departments which were to be placed under the Executive. I do not know, Sir, exactly what that expression connotes, but to a lay man it simply means that the Court is under the Governor. I submit that is so, Sir, although I am open to correction, because it is stated in the memoranda—unfortunately I cannot give the exact quotation just now—that certain central departments, the judicial being one of those departments, were to be placed under the Executive. I think for that reason, if for nothing else, the Government should not hesitate to introduce a system which will enable the community to come under this Court, so that they may feel that every reasonable opportunity is being granted to them in order that they may maintain their liberty.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Your Excellency and Honourable Members. I rise in support of this motion because I think it incumbent upon me to do so. The mover of this motion and the two gentlemen who have supported him are Members for Lagos. I am a Member for the Provinces and, if I do not rise to support this motion, it would be taken that I had not associated myself with it, and I am very sure that my constituents would ask me, when I go back, the reasons why I did not support it, in view of the fact that they are as much concerned with this question as are the people of Lagos. The question of the administration of justice amongst the natives of a Protectorate is a very serious question with them indeed. I must join my friends

in saying that the reasons which have been given by Government for not associating this country with the West African Court of Appeal are very inadequate. The learned mover of this motion has shown that it is strange that Government should say we cannot afford to join this scheme, for one thing unless the cost is given to us in detail it cannot be ascertained what it will actually be, so how can we say we cannot afford it when we do not know what the expenses will be?

It is strange also to say that it will be inconvenient to us. It is not enough to say that it will be inconvenient, we ought to know what the inconvenience is or would be, we ought to know what the trouble would be if we ask to be included in this scheme, but we are told nothing. It is simply said that it would be inconvenient. As regards the question of expense this Colony is a large Colony, our revenue here is much larger than the revenues of other Colonies that have been included in the scheme, yet we are told we cannot afford it. If those other Colonies can afford it, how is it that we cannot? If it is not inconvenient to them how is it inconvenient to us? Surely the Government should look at the matter from this point of view, and after all it is the litigants who are mostly concerned. The Government are never, or at least very seldom in Court, and surely it should be the litigants who should be consulted in this case and asked whether they care to have their cases proceed to a higher Court or not. Who are the litigants? The natives mostly, and possibly the commercial firms, and I am sure none of the commercial firms would object to having their cases considered by a higher Court of Appeal. If the Government really are considering the persons who are chiefly concerned surely they should give the matter their further consideration.

I do not wish to extend my remarks unduly, but I must say, Sir, again that unless it is the policy of Government—and when one considers the Native Courts Ordinance, and when one considers the Provincial Courts Ordinance one rather wonders—not to allow the natives of this country to come before the judges of the higher Court, the judges of His Majesty the King so that they may use their experience in deciding cases, unless that is their policy we cannot understand why we are being left out of this scheme. Therefore on behalf of my constituents and the people of this Protectorate I earnestly urge that this motion should be fully considered, and that the gentlemen in this Council Hall should vote in support of it.

**The Hon. the Commercial Member for Calabar (Mr. D. Graham Paul):—**

Your Excellency, I cannot find it in my mind to support this resolution as it stands, but I have very definite views on the subject and I think I could best indicate these views to the Council—although I am not going to move an amendment—by suggesting the kind of resolution that I would be prepared to support on this subject. It would be something on these lines: "That the Nigerian Government ought to watch with the greatest care and interest the development of this West African Court of Appeal, particularly with a view to ascertaining what it is going to cost the Governments who participate in it; what sort of expense it is going to involve to the parties who litigate in it, and to what extent, if any, it is going to stop appeals which go to the Privy Council from the West African Colonies at an expense to the parties concerned often altogether out of proportion to the importance of the interests involved."

We have heard nothing from the proposer of the motion, Sir, as to any activities of this West African Court of Appeal. So far as I know there have been none, but I say this subject to correction. Now that this institution has been started, I think it is a matter which ought to interest this country to see how it works out with the other Colonies that have joined it before we ourselves plunge into the new venture. I entirely agree with the remarks which the proposer made when he said it is hardly the right attitude for this Government to adopt to turn the thing down on the ground of expense without being able to say what the expense was. I think the Government must get behind their first line of trenches and defend themselves in their supporting trenches, and I look forward with interest to the defence of the attitude which the Government at present have adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):—

Your Excellency; I should like to say that I support the motion as it stands.

The Hon. the Acting Attorney-General:—

Sir, the honourable proposer of this motion has truly said that the participation of Nigeria in the West African Court of Appeal has been urged in recent years by numerous questions which have been put to Government, and the Government on every occasion have based their refusal first of all on the fact that participation in this Court of Appeal would not forward the administration of justice and no benefit by reason of such participation would accrue to Nigeria. Further not only would no benefit result, but the Government and litigants would be put to great inconvenience, and considerable expense.

It is now apparently the desire of certain Unofficial Members of this house to test the feelings of the Council by a substantive motion, and in that connection I should like to congratulate the honourable proposer of the motion on the moderate speech which he made in support. I regret to say that I cannot pay the same compliment to the First and Third Lagos Members for their contributions to the debate. The speech of the Third Lagos Member it is true had the merit of being brief, but on the other hand brief though it was he made two accusations against the Government, one that the reasons which were given for non-participation were flimsy, and the other that the Government was actuated by an ulterior motive in not joining. I shall hope to convince every Honourable Member of this Council that the Government is not actuated by ulterior motives nor are their reasons flimsy.

With regard to the First Lagos Member, his speech to my mind was a mass of irrelevance, but in the course of it he did say, as he has said more than once, that the non-participation of Nigeria in the West African Court of Appeal in some mysterious way involved the liberty of the subject. I hope to convince Honourable Members that this non-participation will not involve any question of the liberty of the subject being at stake.

In opposing the motion on behalf of the Government I wish to impress upon every Member that the decision of the Government not to participate in this Appeal Court has not been brought about by capriciousness or by obduracy in failing to fall into line with the other West African Colonies, but their reasons are sound and have been dictated by good sense. One thing I hoped to hear with regard to the speeches of those who supported this motion was some reference to the activities of our own Court of Appeal—the Supreme Court of Nigeria—but this they seem to have forgotten or ignored, and they have treated the subject as if no facilities for appeal already existed. I would just like to invite the attention of Honourable Members to the fact that the list of cases tried by Commissioners of the Supreme Court comes up before the Chief Justice, and this list in fact operates as an appeal to him. The Judge of the Supreme Court can state a case for the opinion of the Full Court, and I say, therefore, that facilities for appeal already exist. If it is desired to follow the model of the Criminal Appeal Act of 1907 with its enlarged grounds of appeal now incorporated in the laws of the other West African Colonies, by extending the grounds of appeal in this Colony, I cannot see why the appeal powers should not be given to the Supreme Court of Nigeria in preference to inviting assistance from other West African Colonies in helping us out of our difficulties. Is it suggested for one moment that the judicial calibre of the Judges in the other West African Colonies is superior to that of our own Colony? Is there going to be such an array of judicial talent in the West African Court of Appeal that it will inspire more confidence than our own Full Court of Nigeria? Things would be different if the model of the West Indian Court of Appeal which is based on a Federation of a larger number of Colonies is followed. There a Court composed of Chief Justices forms the Appeal Court. There may be some grounds there for saying that the Appeal Court composed as it is of Chief Justices possesses a great array of judicial talent. But that will not be the case here. The Chief Justice of Sierra Leone, I venture to suggest, by reason of the shortage of Judges in that Colony will hardly ever be able to sit on this Court, and this applies to other Colonies as well. I submit that no benefit can accrue to Nigeria by substituting for our own Court of Appeal, the West African Court of Appeal.

With regard to the inconvenience that would be caused, I shall elaborate a little more than has previously been done in stereotyped answers to various questions. The efficacy of criminal law lies in retribution following speedily on the commission of a crime, otherwise, it is absolutely useless. In this connection, Sir, I should like to read to the Council one or two dictas by distinguished English Judges.

Baron Parke, when giving a verdict on a criminal appeal in England said: "In civil cases it is not of such great importance to bring matters to a speedy termination as it is in the administration of criminal justice. That principle, I think, ought never to be lost sight of—that a speedy decision of criminal cases, especially those of offences against life and property and those which most specially affect the interests of society, is of the utmost importance to the public."

Again, Lord Brougham said: "The criminal law depends for the effect, more or less, which it has in deterring from crime, by example of punishment, upon the speediness with which execution of the sentence follows trial."

How are those principles going to work out when we consider the operation of the West African Court of Appeal? As the Honourable Commercial Member for Calabar has stated, this Court of Appeal has not yet functioned, and so we ought to be rather wary in deciding whether we shall join or not. I do know this, however, that the proposals which were made when the Government considered the participation of Nigeria were these: that this Appeal Court should sit in Lagos twice a year, that is to say at an interval of every six months. On the other hand the number of grounds of appeal is to be widely extended. I have here the Ordinance which makes provision for the hearing of appeals in Sierra Leone: An appeal in criminal cases will lie on any of the following grounds:—

- (a) against his conviction on any ground of appeal which involves a question of law alone; and
- (b) with the leave of the Court of Appeal or upon the Certificate of the Judge who tried him that it is a fit case for appeal against his conviction on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or any other ground which appears to the Court to be a sufficient ground of appeal; and
- (c) with the leave of the Court of Appeal against the sentence passed on his conviction, unless the sentence is one fixed by law.

Honourable Unofficial Members of this Council know better than I do the mentality of the criminal classes of this country possibly, but I can well imagine that the number of appeals from sentences, owing to the general desire on the part of criminals to escape the just retribution for their deeds, will amount to something like eighty *per cent.* of cases heard. If the Appeal Court sits only once every six months, it means people will either be lying in the gaols awaiting the final decision as to their sentence, or those who can afford it will get bail and will be at liberty while their sentences are still waiting to be decided. I maintain that the inconvenience which arise from participation in this Court for this reason alone are overwhelming.

With regard to expense, it is true that the answer to this question put by the Honourable Second Lagos Member is not a very satisfactory one, inasmuch as no figures were given, but as the Court has not yet functioned it is impossible to say exactly what the expense will be. However, I can assure Honourable Members that it is estimated it would amount to a considerable sum, but it is not on the question of expense alone that the proposal has been turned down by Government; but it is on account of the inconvenience and the fact that no advantage would accrue to Nigeria from participation.

I may say that the expenses involved, including the provision of a stenographer to take a written note of the evidence and the summing up of the Judge—which would have to be done in every case of an appeal on a question of fact—and the allowances and travelling allowances of the Judges, would make a very large item in addition to the expense incidental to the establishment of a new Court of Appeal.



Another point with regard to the inconvenience involved. The rules of the Court lay down that the President of the Court will fix the sittings according to the convenience of the various Colonies concerned, which naturally will have to be a matter of give and take. The Government have decided that Nigeria is far better off now, as the Chief Justice can co-ordinate the sittings of his Court of Appeal with the sittings in the first instance of his judges. If Nigeria participated, inconvenience would be caused as, having a larger judicial staff than some of the other Colonies, she would certainly have to be frequently prepared to supply judges to sit on this Court in other Colonies with the result that the ordinary sittings of the judges would be disorganised.

I hope now, Sir, that I have convinced Honourable Members of this Council that it is not in the interests of Nigeria that we should participate in this scheme. With regard to the extension of the grounds of criminal appeal, that does not really arise out of the question so there is no necessity for me to deal with it. We are dealing solely with the question of joining this particular Court of Appeal.

His Excellency:—

We will take a division on the motion.

Honourable Members voted as follows:—

FOR—9.

The Hon. the Third Lagos Member.  
The Hon. the Member for Calabar.  
The Hon. the Member for the Warri Benin Division.  
The Hon. the Commercial Member for Lagos.  
The Hon. the Member for the Rivers Division.  
The Hon. the Member representing the Nigerian Traders.  
The Hon. the Second Lagos Member.  
The Hon. the Member for the Ibo Division.  
The Hon. the First Lagos Member.

AGAINST—31.

The Hon. the Commercial Member for Kanô (Provisional).  
The Hon. the Member for the Oyo Division.  
The Hon. the Member for Shipping.  
The Hon. the Member for the Egba Division.  
The Hon. the Commercial Member for Calabar.  
The Hon. the Mining Member.  
The Hon. the Member for the Colony Division.  
The Hon. Resident, Benin Province (Extraordinary).  
The Hon. L. Bettsworth (Provisional).  
The Hon. Lt.-Col. R. H. Rowe.  
The Hon. the Director of Agriculture.  
The Hon. the Director of Public Works.  
The Hon. the Senior Resident, Zaria Province.  
The Hon. Senior Resident, Plateau Province.  
The Hon. the Deputy Chief Secretary.  
The Hon. the Secretary, Northern Provinces.  
The Hon. the Secretary, Southern Provinces.  
The Hon. the Senior Resident, Niger Province.  
The Hon. the Senior Resident, Oyo Province.  
The Hon. the Secretary for Native Affairs.  
The Hon. Mr. E. R. J. Hussey.  
The Hon. the Administrator of the Colony.  
The Hon. the Comptroller of Customs.  
The Hon. the Director of Marine.  
The Hon. the Director of Medical and Sanitary Service.  
The Hon. the Commandant.  
The Hon. the Treasurer.  
The Hon. the Acting Attorney-General.  
His Honour the Lieutenant-Governor, Southern Provinces.  
His Honour the Lieutenant-Governor, Northern Provinces.  
The Hon. the Chief Secretary to the Government.

The Hon. the Banking Member abstained from voting.

The motion was therefore declared to be lost.

Council adjourned at 1 p.m. to meet again at 2.30 p.m.

Council resumed at 2.30 p.m.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Your Excellency and Honourable Members. I rise to move the resolution which stands in my name.

“ Be it resolved: That the delegation of the trial of civil and criminal cases involving important issues of life and property of the people of the Protectorate to illiterate natives and to persons untrained in the law without the right of appeal to a superior Court of competent and trained judges is a serious injustice and disadvantage to the loyal subjects of His Majesty the King and Emperor and in view of the persistent allegations of corruption and frequent instances of serious irregularities to which such methods of trial give rise, the Government should take such steps to alter the law so as to give to the subject the privilege of the right of appeal in these cases or that a commission of unofficial Europeans and natives be instituted to ascertain whether it is not desirable that appeals be allowed from Native Courts in civil and criminal cases and from the Provincial Courts in criminal cases.”

Before I proceed with the motion I beg to ask the indulgence of Your Excellency and the Honourable Members of this House. I am afraid that a large majority of the members of Council will not think the motion of sufficient importance as to occupy very much of their time, but I think there are some members here, who, like myself, living in the provinces and coming into contact with the natives constantly, and being in close touch with their affairs, will be able to sympathise with me and understand the motive for my bringing this matter before this assembly. In any case I do not intend to keep this House any longer than is absolutely necessary. I shall be as brief as possible, but if I happen to be longer than I expect, I ask your indulgence and your patience for any deficiencies of which I may be guilty.

Some time ago I wrote an article which appeared in the *Nigerian Daily Times* concerning the working of the Native Courts and the manner in which these Courts have been brought about. A reply to that article appeared in the *Nigerian* letter in *West Africa* and amongst the criticisms that were aimed at me was the statement that Mr. Clinton is at a disadvantage in advocating judicial reforms:

“ for as Mr. Ormsby-Gore's report shows, it is hard for a lawyer to urge a step that will incidentally lead to a great interest in the work of the legal profession without arousing in the Colonial Office the feeling that he is actuated solely by professional interest.”

I think I must clear myself of the allegation that I am standing here solely for the purpose of advocating a move in favour of the profession. I think that allegation stands on the same footing as the oft repeated allegation that African natives are not the true representatives of their illiterate brethren, that the very fact of their education alienates the sympathies of the illiterate people from them, and that the white man coming out here understands the native much better than any native, who happens to have been educated, can possibly do. I think that allegation is very easily refuted. I think that most of us here know that when the various civilised countries of Europe were fighting for their freedom against the oppression of kings and nobles in the middle ages, it was not the illiterate people, who could not speak the language properly; it was not the illiterate people, who did not know how to write, who fought for the liberty that the peoples of Europe now enjoy, it was the literate people, the educated people, who had enjoyed the benefits of teaching, who led the people, who fought for their liberty, strange to say, not in the language of the people for whom they were fighting, not people educated in England, France or Germany, but people who were educated in the Latin and Greek languages—now known as the dead languages—who, because of their education, became the leaders of the people. If it is said that we who are here now cannot speak for the natives because our education has alienated us from the sympathy of the illiterate people, then who is to talk for them? The uneducated native cannot speak for himself: he does not understand the English language nor the English laws, and if we cannot speak for him then who is to do so? If a

child cannot go to his father and talk to him, then the father can do absolutely anything he likes and the child can say nothing. Therefore, I submit, Sir, that that allegation is easily refuted.

In the same way the allegation that lawyers speak only so far as their own interests are concerned, is also easily refuted. People who are concerned with legal reforms in Europe, America and other countries are lawyers who, by their law societies, law journals, law institutions, criticise the Government, criticise the Legislature, criticise the judges and magistrates, because they are in a position to do so. If they are able to do so, then it is our duty here also to do so. Just the other day, I understand, the Haldane Club, composed of Labour lawyers, had been formed for the express purpose of criticising reform and bringing about certain reforms in the laws. There have also been criticisms by Lord Riddell, and the other day Lord Hewart complained about the legislature imposing upon the shoulders of the executive the work of the judiciary. These men are lawyers, and if they do these things in their own country, surely we are the people here to talk for the natives, and to say that we are actuated by selfish motives is, I am afraid, an incorrect statement.

The motion I am bringing before this House deals with a grievance of the people of this country. The people of the country may be illiterate, but they are not fools, they are wise enough to know the position, and day after day they ask us why we do not interfere and help them in the matter of the Native Courts. They say "If you cannot talk for us black people, then who is to talk for us? We cannot stand and talk before the white man." From time to time the Chiefs speaking in their own way say to me: "You savvy this law palaver: how we go talk law palaver when we no savvy law palaver?" Over and over again they tell us that, and that is why I come to lay this resolution before this House, and notwithstanding the motive it is alleged I have in coming before this House, I would ask you to leave the motive aside, and pay attention to and judge fairly what I have to say. If what I have to say to you is worth nothing, then throw my motion aside. If it is worth something I ask you to judge its value by the substance of my remarks.

English judges and lawyers, men and women, ever since the Native Courts and the Provincial Courts have been started have spoken about these systems. Men like Sir William Jowitt and Mr. Justice Stoker in their criticisms have referred to the efforts being made to ask Government to change them. There is a further remark made in the same Nigerian letter which appeared in *West Africa*, to which I referred some time ago, which is as follows:—

"If the system is in practice as unjust as it is sometimes asserted, the best line of attack would be to prove its unpopularity, for it is constantly asserted in official documents that the Native Courts system and the manner in which it is likened to the Provincial and Supreme Courts is successful, and there have certainly been few incidents to show otherwise. Like other institutions, the system is sure to be open to improvement, and since there is little likelihood of its complete replacement by European forms, it might be that Mr. Clinton could bring more benefit to the people by formulating clearer definitions of the circumstances in which litigants could demand, as of right, the transfer of their difficulties to higher courts."

I shall deal now with the allegation that the Native Court system is linking up with the Supreme Court. I suggest that remark is incorrect. I have endeavoured over and over again to find out where there is any link between the Native Courts and the Provincial Courts, or the Native Courts and the Supreme Court, and I have been unable to find any link whatsoever, and if any official communication says there is such a link, I submit, Sir, that that statement is not correct. Moreover, I say this, that at one time we lawyers in this country did think there was a link between the Native Court and the Supreme Court, but the decisions of the Supreme Court have been such that, if there was ever any possibility of such interpretation, that possibility has been swept away, and there is now no such link. It is on account of this want of link between the Native and the Supreme Courts so as to give the Supreme Court power to check orders and regulations proceeding from the Native Courts that I now move this motion

before the House. That such a link is necessary is patent. There is no business affair in this world that does not necessarily progress from a lower grade to a higher grade and so on to the highest grade, so that the lower workers may be checked by the higher workers and soon. That link exists most elaborately in Europe where you have the Courts of Justice, the County Court, the Full Court, the Appeal Court and then the Privy Council. They are all linked together, one checked by the other. Here we have the Supreme Court: the judges here are subject to checks; the magistrates by the judges, the judges by the Full Court and the Full Court by the Privy Council. Yet we have in the Native Courts no links at all. The people who are used to such links in England are people of the greatest intelligence and the highest learning, who, if anyone is to be allowed a free hand in their work, are the people to be given such free hand; people who have been brought up from their earliest childhood to understand honesty and integrity, and to know what a conscience is, and yet these people are subject to checks. How much more then should people out here who are entrusted with the important business of deciding matters between native and native be subject to checks?

There is an Ordinance called the Native Courts Ordinance which is supposed to make provision for checks on the Native Courts, but, as I have said before, they are not checks at all, because the Supreme Court has decided that the District Officers who are supposed to hold the Courts in check, and to whom the people can appeal, need not do anything. They need take no notice of any case, however meritorious, however important, however serious it may be. If a complaint is made to a District Officer in respect of a Native Court judgment, he can simply say "go away, don't bother me", and that is an end of the matter. The Native Courts Ordinance, section 17 reads:—

- "(1) Every member of a Provincial Court shall at all times
- "have access to the native tribunals; and on the application of any person concerned or of his own motion may,
  - "with the consent of the Resident, or of a District Officer in charge of a division, in respect of any cause or matter arising outside the local limits of the jurisdiction of the Supreme Court;
  - "(a) suspend, reduce, or otherwise modify any sentence (save and except a sentence of death) or decision of a native tribunal;
  - "(b) order a rehearing (save and except on a trial for murder) before any native tribunal having jurisdiction in the cause or matter; or
  - "(c) transfer any cause or matter, either before trial or at any stage of the proceedings, whether before or after sentence passed or judgment given, to the Provincial Court."

Now on reading that, *prima facie*, it appears that the District Officer can at any time rectify any error in justice that occurs in the Native Court, but there have been two cases that have come before the Supreme Court in which judges have laid it down distinctly that there is no right of appeal for any native at all; the section means that a District Officer, in his discretion, if he likes, if he cares to, if he thinks fit, can review a decision. If he does not think fit, then he need not interfere, and that is the gist of the matter. The native has no right of appeal and no right of complaint and that is the cause of all the discontent.

There are two cases which lay down this dictum of the judges. The first happened at Degema in 1922—Obu Eriso Bob Manuel *vs* Offi and Wariboko F. D. Manuel—and the case was reported in the Nigeria Law Reports, Vol. V., page 12. This matter came before three judges of the Full Court. What happened was this: a native took an action claiming that he was entitled to a certain fishing pond, and he asked the Native Court to decide if the pond really was his. The Native Court gave judgment against him, and for the defendants, and the plaintiff was asked to pay costs. He was dissatisfied because he said his family had held the mortgage on this pond, but he had redeemed it, and he did not see why his family should use the pond seeing that it was his property. He went to the District Officer, who called for the record and marked it "judgment confirmed." That did not help the plaintiff very much, so he went to a lawyer who filed a motion in the Divisional Court. The judge of the Divisional Court refused

to interfere on the ground that there was no appeal from the decision of the District Officer, but he stated a case for the Full Court as to whether he had the power to order the Commissioner to interfere. Three judges sat in Calabar and said that the powers concerned in the case were not judicial powers, but were executive powers, and that therefore the District Officer was not bound to entertain the complaint. They therefore refused the appeal.

The second case is much more definite, and occurred as late as 1927 in Onitsha. An educated native of Onitsha was charged before the Native Court with inciting some natives to disobey native law and custom. The judges of the Native Court told him to beg the pardon of the King of Onitsha, and they gave him two weeks in which to carry out this order. He took no steps so he was charged in Court and was sentenced by the native judges to two years' imprisonment for not begging pardon. He was horrified because he was a highly educated man who enjoyed a leading position in the town. When his lawyer went to the District Officer, the latter did not say in this case "I confirm" or "I suspend the judgment"; he simply said "No, I will not interfere." That was an end of the matter as far as he was concerned, and the accused went to prison. The lawyer cudgelled his brains to know what to do, and he laid a motion before Mr. Justice Tew. The matter could not go to appeal because it had already been decided by a judge. He therefore asked Mr. Justice Tew for a *Habeas Corpus* to have the man brought before the Court to show cause why he should not be released. Mr. Justice Tew gave a definite decision. I was unable to get a report of the case, but he said definitely that there was no appeal to the Supreme Court, and the question of appealing to a District Officer was not an appeal at all; that it was a matter within the District Officer's discretion and he need not interfere, however serious and however wrong the judgment might be. However, Mr. Justice Tew saw an outlet, Sir. He said that if the Native Court had dealt with the matter before them, however wrong their decision might be it could not be reversed, but that they had not dealt with the matter before them. The man was originally charged with inciting people to disobey native law and custom, but the Court had not dealt with that charge at all; they had imprisoned him for not begging pardon. That was another matter altogether, and therefore Mr. Justice Tew considered he was justified in granting *Habeas Corpus*, and that is how that man came to be released.

I think, gentlemen, you will see the seriousness of the position. You will see if that state of things continues, that a native can be put in prison any time by the Native Court and he will have no remedy. The District Commissioner need not do anything, and the motion I have brought before you here is humbly to ask Government and Members of Council if they will help us in this matter so that there will be a right of appeal, a right to say "that decision is wrong and I am entitled to have it set right." It is not a matter of theory only, but in practice also the feeling is prevalent that Native Court decisions are often wrong, and people are always complaining.

I should like to give you one or two instances of hardship. There was a case in Calabar—*Rex v. Innua Abiat Owoop and ten Others*—which occurred in the Native Court at Uwet early in 1927. I am giving these cases so that the authorities may confirm that my statements are correct. The history of this case is this: a young man in Calabar, called Eyamba conceived a wonderful idea, and to carry out his conception he went to the Native Court and asked the Native Court messenger to ring a bell round the district declaring that a large tract of land on which many people were living and were earning their livelihood was his land, and if anyone was found trespassing, he would take steps in the matter. When a person takes action to prove that certain land is his, he usually warns people (in civilised countries people put up a notice board saying "Trespassers will be prosecuted") and this was done according to the native custom by ringing a bell. The people living on the land carried on expecting that in course of time they would receive a writ of summons when they could go to Court and defend themselves. Instead of that, however, a warrant of arrest was brought by a Native Court clerk, and a number of the men were arrested on the criminal charge of ignoring the bell. No action was taken to prove the ownership of the land. Two charges were brought against the accused, one of inciting, because they had resented the messenger taking palm kernels from

the land, and the other of disobeying the bell. They were brought before the Native Court and were fined, or in lieu of a fine, given imprisonment. When the head man of the village heard this, he went to the District Officer at Calabar and reported the matter. He said that no writ of summons had been issued, there was no proof that the land belonged to the man Eyamba, and that twelve men had been taken to Court. He also explained that some of his people had been fined and others imprisoned because they could not pay the fine. The Native Court clerk was there at the time rendering his account, and after some delays, the District Officer said "I am sorry, I have no time to go into the matter." The head man then came to me and I wrote to the District Officer pointing out the hardship, and explaining that not only had the men gone to prison but the land now belonged to Eyamba, and the people could not live or work there any longer. The District Officer wrote: "I regret to say I have done what I thought fit, and do not intend to do anything more."

I then addressed a letter to His Honour the Lieutenant-Governor, which I asked Mr. Falk to forward. Mr. Falk read the letter and he must have seen the unreasonableness of the matter, for he suggested to the District Officer that the fines should be returned. The head man accepted this decision and the matter was put right, but I want to emphasise that the Resident need not have done anything, and the injustice would have remained. You must see for yourselves, gentlemen, that, but for the Resident interfering, these people would have gone to prison or paid fines for no reason at all, and in addition they would have lost their land. The object of Eyamba was to get the land and make money and he would have succeeded but for the reversal of the Native Court judgment.

There is another case where the man concerned had no remedy at all. It was in Calabar where a native was sued by another to recover the sum of £20. The accused had been sent to certain villages to collect £20 as a contribution towards the funeral ceremonies of the late Prince Bassey Duke. In some of the villages he was told to go away, the natives telling him that they were no longer slaves and were therefore not bound to pay the contribution, and they did not intend to pay it. As they absolutely refused to pay it, an action was taken against the collector for having failed to collect the money. He was taken to Court where he stated he could not possibly pay this sum. However, it was discovered that another Chief happened to owe this man £20, and the Court ordered that this sum should be off-set against the £20 which he had failed to collect. The man came to me and I wrote to the District Officer who stated that he did not choose to interfere. I wrote to the Resident and he too did not choose to interfere, so the man forfeited his £20.

Your Excellency and Honourable Members will therefore see that it is not only in theory, but it is definitely carried out in practice too that the Native Courts can do exactly as they like, and the native has no remedy whatever, and I think you will agree with me that such a state of affairs is very hard on people who have to have their palavers settled from time to time. It must be patent also that where people in England, men whom I have already described to you as being subject to those checks, who are required to keep within bounds, yet who are extraordinarily intelligent men, experienced in the business of the administration of justice and learned in the law, men who have been brought up to respect uprightness and integrity, men who enjoy large salaries and are beyond temptation, how much more should checks be applied to the men out here who are given large powers and yet have no training in the administration of justice? These men have no knowledge of the law, they have not had the advantage of being brought up from their youth steeped in the high principles of integrity, and it is only natural that most of them should look at their duties from a selfish point of view, and that they should use their powers in most cases for their own material benefit. When it is alleged that these men use their powers in order to foster their own interests and put money in their own pockets, it should be realised that most likely they do so because of their lack of proper understanding of their obligations. It should be especially noted too that these men are not paid very highly. We heard this morning that for each sitting each Native Court member receives five shillings and the President, ten shillings. When there are several members of the Court they do

not all sit each day. They may sit a dozen or perhaps up to twenty-five times a year, but in any case their annual income is seldom more than £20 a year. Look at the temptation that is placed before them. We do not know how many of the members of the Native Court acquire their revenue, or what they do for a living outside their Native Court duties. If they receive only £20 a year, is it surprising that they should believe—especially when they know the District Officer need take no notice of any complaints laid against them—that they are put there in order to remunerate themselves? Is it not a natural thing for them to think? I submit it is so.

Another complaint against the Native Court is this, that the powers given to the District Officer are not only powers to suspend and reduce sentences, but these powers are exercised in a very peculiar way. They can be exercised years and years after a judgment has been given: they can be exercised in respect of one case over and over again: they can be exercised by one officer this year and in respect of the same case, they can be exercised again the next year. In fact in one case (*Azere vs. Okia*, reported in the Nigeria Law Report) judgment was given that a District Commissioner was entitled to exercise these powers eight years after judgment had been given in the Native Court. You can therefore understand the insecurity, the non-finality of a judgment given in the Native Court when a District Officer can come into the Court at any time to alter it, and then another District Officer perhaps two years afterwards, on application of the unsuccessful party, can come and perhaps see fit again to alter the judgment. That sort of thing is hopeless and most insecure, especially in land cases, where nobody will know if land belongs to him or not. If one only had the right of appeal to the Supreme Court one could go there and say "here is my complaint, and here are my reasons for saying that the Native Court judgment is wrong." The Supreme Court would then give a judgment that would be final, but under the present system there is nothing definite.

Not only is there the case of *Azere v. Okia* which I have quoted but there is also the case of *Grace Pepple v. Solomon Pepple*. I am sorry, Your Excellency, to quote so many cases, but it is often said that in our arguments we do not show instances and it is often remarked that in West Africa there are few instances of injustice and few of irregularity. These, however, are instances which have come to my knowledge personally in the course of my practice: other lawyers have their own experiences, but these are cases of which I have personal knowledge, and there must be many many others which we do not hear of because we are not entitled to a copy of the proceedings. Take the case of *Grace Pepple* who took an action into the Native Court against a man called *Solomon Pepple* claiming £100 as being money due to her on a promissory note from *Solomon Pepple's* father. The action was taken some time during 1924. *Pepple's* father had died as far back as 1912, and no claim had up till then been brought forward against the young man, until *Grace Pepple* suddenly claimed that he was responsible for his father's debt. He went to Court and said that he was a boy at school when his father died, that he did not know what money or property his father had left as he was not the head of the house, as he would have been under English law and custom, and that he had not taken out letters of administration, and in fact he knew nothing about the matter. The lady produced a paper written many years ago in respect of a loan of 8,000 manillas and under this was a string of names, the first being that of *Grace Pepple*, the second that of *Solomon Pepple's* father, and following after this one after the other were several other names, members of the family. There was nothing in the document to indicate that *Pepple's* father was a debtor, or the lady herself a creditor, but on this paper alone judgment was given for her for this sum of £100. *Pepple*, who had just started on his career, was worried about having to pay this sum of money so he went to the District Officer who declined to interfere. He came to me, and I wrote to the Officer and expressed upon him that it was a hard case. I also informed him that a similar case had come before the Supreme Court where it had been upheld that a person, if he was not head of the house, could not be held responsible for his father's debts, and was not liable under English law there being no proof that the deceased man had left any property at all. The District Officer listened to that, and asked the Native Court to try the case again. The Native Court thereupon reduced the amount to £50. *Solomon*

Pepple, however, was still dissatisfied, and I had to write to the District Officer again, a humble, respectful, begging letter asking him to help this man. The District Officer then said he would suspend the judgment until a head of the house was appointed. The man went away relieved. Three years afterwards, however, the District Officer went away, and a new Officer came on the scene. Grace Pepple thereupon again came forward with the judgment that the Native Court had given her, and said that she wanted the money. She persuaded the District Officer by some means or other to listen to her case. Solomon Pepple came forward and explained that no one had as yet been appointed head of the house. The District Officer said he knew nothing of the suspension of the judgment. Pepple came to me and I went to Calabar to search the record and I found the telegram saying "judgment suspended pending appointment of head." I showed it to the District Officer who looked at it and then sent the parties to the Native Court. The telegram was produced in the Native Court, and again the young man reminded the Court that no head had been appointed. They did not quite know what to do in the matter so the District Officer said "make him pay half the amount ordered, that is £25, and if it is not paid a warrant will be issued against him." Pepple therefore had to borrow the money and pay it. A year afterwards they claimed upon him for the remaining half, making the amount paid £50. Your Excellency, I have quoted this case to show you that the native is never safe. This young man had been for some years in Government service, and having got himself out of a difficulty in 1924, he thought himself quite safe, but another District Officer came along and altered the judgment. Not only has the native no right of appeal and therefore cannot insist upon getting justice, but if it happens that by some means or other he does get justice, he still does not know whether he is secure, and whether the decision given in his favour will be his for ever.

A state of affairs like that, Sir, must appeal to you as being very unsatisfactory indeed. It is not fair to the native, nor is it fair to the District Officer. It puts the District Officer in a peculiar position as it gives opportunity to dissatisfied persons and evilly-disposed people to say he is biased, and is subject to temptation. Supposing a District Officer was to say to a man when he brought a legitimate complaint, "Oh go away, don't bother me, I don't like your face" according to the provisions of this Ordinance, there is an end of the matter. The man would probably go away and say to his people "look at what the white man has done; he would not listen to my complaint so I fear my enemies must have dashed him." Therefore I say that it is unfair to the District Officer, it is unfair to the litigants, it is unfair to the judges who sit in the courts, and above all it is unfair to the reputation of British justice which has made us all glad and willing to be under British rule.

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—

You have forgotten to state how that case was eventually decided.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I do not know how it was settled.

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—

It was settled by Judge Webber at the Assizes. I am quite correct as I was called as a witness.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I think you happened to be President of the Native Court when this case was taken.

His Excellency:—

I think the Honourable Member must go on with his speech. I cannot allow this discussion.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I have dealt with the Native Courts, Sir, and now I should like to say a few words about the Provincial Courts. In the Provincial Courts we happen to have appeals in civil cases but we have no appeals in criminal cases. There is a very significant difference in the provisions made for dissatisfied parties in criminal cases in



the Supreme Court and parties dissatisfied in the Provincial Court. In the case of the Supreme Court, section 164 of the Criminal Procedure Ordinance reads:—

“Where a person is convicted before the Supreme Court, if such person shall within four days after the conviction apply for a case to be stated and signed on the ground of error in law, then on his application (unless it appears merely frivolous when it may be refused), the Supreme Court shall state a case setting out the question of law and the facts and special circumstances upon which the same shall have arisen and send it to the Appeal Court.”

That gives the person convicted a right to go to the magistrate who has convicted him, if he happens to be a magistrate, and ask him to state a case for an appeal to a judge because he considers that, in law, a wrong conviction has been given.

On the other hand there is no such provision made as regards the Provincial Court. The Ordinance is three times as long but the provisions do not give any right of appeal. I do not want to take up your time needily, but the substance of the matter is this, that instead of a person being permitted to make application to the Court, provision is made that all convictions made by all officers who are members of the Provincial Court, shall be sent to the Chief Justice. This constitutes an appeal on behalf of everybody concerned in the cases, and the Chief Justice will exercise his discretion and if a judgment is wrong, he will give an order accordingly. He may either reduce or modify the sentence, he may annul the conviction, he may order a new trial, call for new evidence, he may set the conviction aside, he may send it back for re-hearing either in the Supreme or in the Provincial Court. A lot has been said about the adequacy of this Ordinance and the advantages which the convicted person has. Under the Supreme Court Ordinance only a man who can afford to appeal can apply to have his case heard. Under the Provincial Courts system every record, whether the man appeals or not, whether he is dissatisfied or not, comes before the Chief Justice, and the people have the benefit of his wide experience. That in theory is very fine, but in the case of the Supreme Court the man knows for certain that his case is coming on, on a certain day fixed by the Registrar. But the man who is convicted in a Provincial Court does not know what may happen; he does not know if all the records in the case are sent down or not, he does not know if they are read by His Honour, in fact he is left in absolute uncertainty. He may hope, but time goes on and he hears nothing, and it is quite possible that a telegram reversing the judgment may arrive two months or more after he has served his sentence. I will give a concrete example showing that the system does not work in the way it is intended to do.

There was a case in Calabar in 1923 which came to my knowledge. The Executive in Calabar was very concerned to have the Atmbo-Ikot Akanda-Kang Road put into proper repair and therefore sent instructions that all the native authorities should get the people to work on that road and get on with the work as quickly as possible. The Executive was not satisfied with the progress being made and gave instructions that the native authorities should take action against the people who refused to work on the road after they had been engaged to do so. Action was taken in the Native Court, but the District Officer, not being satisfied with the result, started taking action in his own court. The people were brought to the Court from time to time and they were fined varying amounts from £10 down to £1. This went on during 1922 and 1923. Eventually the King of Calabar, known as the Obon, was brought before the Court, as the Executive was dissatisfied with his demeanour, and he was charged with hindering the work and not doing his duty as a native authority. He was convicted and fined £30. He got up a petition and sent it to the Chief Justice praying that this conviction should be quashed. He received a reply from the Chief Justice saying he saw no reason to interfere. This happened in 1923, and eventually the Obon of Calabar, during the election, mentioned the matter to me and asked me to take it up on his behalf. In order to show my interest I wrote an article pointing out that the District Officer had no jurisdiction at all to try these people. Under the Ordinance the only Court who could try them was the Native Court, or the Magistrates' Court. I also pointed out that under the Ordinance no fine above ten shillings could be inflicted. When the authorities saw this, orders were sent that all persons who had been fined should take their receipts to the office

and their money was returned to them, the Obon of Calabar also receiving back his £30. I want to point out that all the records in this case should have been sent to the Chief Justice, but no one knows if they went or not. These convictions which went on over a period of two years were obviously wrong, as, in the first instance, the Court had no jurisdiction, and yet when the Obon's petition went to the Chief Justice, the latter said he saw no reason to interfere. If these people had had the right of appeal and had been allowed to go before a judge and argue their case, then the whole series of convictions would not have occurred; they would have been stopped after the first case. Surely this shows that the provisions of this Ordinance are absolutely inadequate; the procedure that the records should be sent up is unsatisfactory, and I submit that something should be done so that the natives of this country may have better justice.

I have other cases which I had intended to illustrate, but I am afraid I am wearying Your Excellency and Honourable Members. I shall deal with only one or two more. I maintain that the right of appeal is necessary, because litigants have no knowledge of the law and do not understand the meaning of evidence. I will give you an illustration of this. A case occurred in Calabar in 1912. A man was walking along the road from Aba to Calabar with a boy. A policeman seized him and charged him with slave dealing, and the man was sentenced to two years' imprisonment on this charge. His people came to me and I obtained the facts (as we were allowed to do in those days) and I put them into an affidavit and sent it down to the District Officer (who by the way left the Colony a long time ago). The officer sent the whole thing back to me without any observations. I next mentioned the matter to Mr. J. Ross who sent a telegram to the officer concerned asking him to state a case. Eventually the case was heard. The policeman's evidence was that he saw these two people walking along the road, and knowing that slave-dealing was going on in that part of the country, he concluded from the demeanour of the man and boy that the man must have bought the child. The officer questioned the child who said that he knew the man and that he had previously been to Calabar with him. The man knew his father and mother, and as he himself had expressed a wish to go to Calabar with him, he had been given permission to do so. The parents were then sent for and they told the same story. They stated the boy had previously been to Calabar to learn English and they were willing he should return. The officer said he was confident that all these people were lying, and he convicted the man and sentenced him to two years' imprisonment. It may have been true that these people had conspired to lie, but there was absolutely no evidence to show that the man had bought the boy, not one iota of evidence, and therefore for that reason an appeal should have been allowed.

Another case happened more recently at Opobo. In 1927 Mark Njekwe, Obun Owu and ten others were brought before the Provincial Court on a charge of arson. They were convicted and given varying terms of imprisonment, eighteen months, a year, six months and so on. They appealed to me and I wired to Lagos for a copy of the proceedings. The Chief Justice was on leave, the Acting Chief Justice was on tour and the officer who tried the case refused to allow me to see them. This officer happened to go away soon after, and as I had to go to Opobo in connection with another case, I went to the new District Officer and asked him to let me see the record of proceedings. I did not mention that the previous officer had refused to allow me to see them, but this time I was more fortunate and the officer gave me the record and told me to go away and read it. It appears that the officer, after taking evidence, in his summing up said that he did not believe all that the prosecution had said, when they claimed to identify the accused, but he based his judgment on the fact that the women of the town in which the prosecutors lived had heard the women of the town in which the accused lived say that their brothers were going to burn the town, and he based his judgment on that. I sent in a petition pointing out that the officer did not believe the evidence that had been given, and that therefore the men were entitled to be released, and four months after the men had been imprisoned a telegram came ordering their release.

These cases demonstrate that natives should be allowed to appear before someone who understands the law, and it should be their right and not a privilege to be allowed to take their cases to a

higher Court if they are dissatisfied. In reply to a question we heard to-day that £111,000 had been paid to revenue by Africans in order to have their cases heard in the Native Courts; surely then they are entitled to have their cases heard properly.

The culminating point of the whole matter, however, is that since 1928 these very people have been given jurisdiction in land cases. You can imagine the confusion and the muddle that is taking place in respect of these land cases, but there is no appeal and the District Officer need not interfere. Surely Nigeria deserves better treatment than that, yet it seems that we, who are so proud of our citizenship in the British Empire under the King Emperor, are to be denied justice. Is it because we are coloured and many of us cannot speak English that we cannot have this right as between man and man? It has been said that a Native Court of Appeal should be set up, but what is the good of that? It is like asking a blind man to lead you out of a quagmire into which another blind man has landed you. It is like asking an illiterate man to tell you the contents of a letter when, having himself asked another man what it was all about, he has been told a pack of lies, which he repeats. What is the good of having a Native Court of Appeal when the Native Court members are illiterate and have not been brought up to understand what honesty or unselfishness or integrity are, and cannot therefore realise their duties? I submit that such a Court would be absolutely useless. The only remedy is an appeal from these illiterate people to educated Europeans. Natives will tell you over and over again that they would rather go to a white man because he is unbiassed. In these circumstances I respectfully suggest, Sir, that the only remedy is an appeal to the Supreme Court.

I am not asking anything in any way strange. I have been reading the Native Jurisdiction Ordinance which is in force on the Gold Coast. The people there are very discontented with the Ordinance because of the very large unconstitutional powers which it gives to Chiefs, but at the same time, the right of appeal is not denied. According to that Ordinance appeals may be made to the Divisional Court, and if you are still dissatisfied you may go to the Paramount Chief's Court. If it is a land case there may be an appeal to the District Commissioner's Court, and from there to the Full Court and eventually even to the Privy Council. If it is not a land case, and the appeal to the Paramount Chief's Court is unsatisfactory, it may go from there to the Supreme Court, from the Supreme Court to the Full Court and then to the Privy Council, and if desired, even on to the House of Lords. People all over the British Empire have this right of appeal and yet we are deprived of it. What iniquity have our people committed that they should be left out? We are told that this is done in furtherance of the policy of indirect rule. Well, Your Excellency, I can only say that, however meritorious that policy may be in other respects, in this respect it is a bad policy, for, if it depends upon this method of administering justice which, in its present working, only tends to encourage the natives sitting in the Native Court to foster their own ends, I am convinced it should be dropped, not only in the interests of Nigeria, but in the fair name of the British Empire. We are as proud to-day to be members of the British Empire as in the old days a Roman was proud to say "I am a Roman citizen." This great British Empire is looked up to by all its members on account of those men in England who are at the head of affairs, who are broad-minded people, unselfish, with a high code of honour, who do their duty in such a way that all countries outside the Empire as well as those within it look upon it with the greatest regard and respect. We therefore ask you, Sir, most graciously to go into this question of the Native Courts system and consider it sympathetically so that you may see your way to allowing natives who are dissatisfied with the judgments of the Court to have a right of appeal.

The Hon. the Third Lagos Member (Mr. T. A. Doherty):—

Your Excellency, the Honourable Member who moved this resolution has occupied a length of time that I do not think it will be fair or discreet of me in seconding this motion to occupy much more time, but I have just a few words to say in support of the

motion. The object of the motion, Sir, is not to petition for the abolishment of the existing system, but to ask that the defects in the system may be remedied. I am sure that the Government could not, on the face of what has been said by the mover, still adhere to the contention that this system of appeals in the Native and Provincial Courts is perfect. As a lawyer of some experience in Native Court and Provincial Court matters—we in the west do not have so much to do with Native Court matters as the Honourable Member who moved this motion who lives in the Eastern Provinces—I have had many opportunities of realising the imperfections of the system, and I think in view of the many instances quoted by the Honourable Mr. Clinton, this Council should make amendments in the present system in the matter of appeals from sentences in the Native Courts.

The Hon. the Commercial Member for Calabar (Mr. E. Graham Paul):—

Your Excellency, I do not wish to say very much on this motion but I must entirely agree with the remarks made by the proposer that, as long as you have Native Courts—I speak particularly of the Eastern Provinces of the Southern Provinces—constituted as they are you are bound to have decisions which are unjust, which no legally-qualified tribunal of appeal could possibly uphold. It is quite true that there is no provision which compels any tribunal at all to review those decisions. I am very glad to say that my personal experience has been more fortunate than that of the Honourable Member for Calabar in that, when decisions of this nature have been brought to my notice by clients, I have always found the Administrative Officers willing and anxious to review the cases and redress hardships where they have occurred. The Honourable Member for Calabar has, however, given definite instances where this has not been so. I could give numerous illustrations of extraordinary decisions that have been given by Native Courts, but I propose only to give two. An appeal came up the other day in the Provincial Court of Calabar in which a most extraordinary position arose. An action was brought about a piece of land. The Provincial Court of Calabar's decision was given in favour of the plaintiff after exhaustive inquiries on the spot by the District Officer. Some years later the defendant brought an action in the Native Court about the same piece of land and succeeded in getting a judgment exactly the reverse of that given in the first instance. The plaintiff did not know what to do until the officer who tried the case in the Provincial Court in the first instance returned to the district, whereupon he again issued a summons in the Provincial Court. This officer arrived at a perfectly grotesque decision. He held that the Native Court had jurisdiction to try the case, and that therefore it was finished as far as he was concerned and he could not decide in favour of the plaintiff, and the judgment must stand. He dismissed the action but added "as soon as I leave this Court, I am going down to the Native Court to get the judgment altered."

Another case concerned the collection of contributions to a Red Cross Fund. A man came to me bringing a copy of the proceedings saying that he had been tried by the Court, the charge against him being failure to contribute to the voluntary contributions of the Red Cross Fund. He was found guilty and ordered to pay his contribution of thirty shillings together with a fine of £5. I laughed at it and told him to show it to the Divisional Officer, who would upset it. That was not his plan, however. He knew someone else who had failed to pay, and he badly wanted to have him proceeded against and fined! That, Sir, is by the way.

There is undoubtedly a feeling that there is a possibility of very serious injustice being done through the existing system of Native Courts. It is not only on the application of dissatisfied persons that the District Officer can review decisions. The right exists in the Administrative Officers and it is their duty to review decisions. They can go to the Native Court at any time and have a look at any particular case and can review it. But Administrative Officers nowadays, what with assessments, busy anthropologists asking questions, statisticians requiring information, have very little time for any judicial duties outside their own Provincial Courts, that is to say, in carrying out in practice what is the theory of the Native Courts Ordinance, namely, that every decision of such a Court

should come under the eye of some responsible officer. It is a practical impossibility when one considers the number of Native Courts in a district and the number of decisions that are given, for any Administrative Officer adequately to control and supervise the decisions made and so that justice is always properly administered.

**His Honour the Lieutenant-Governor, Southern Provinces:—**

Sir, I appreciate as also will the whole Provincial staff appreciate, the tribute paid by the Honourable Member who has just spoken for the manner in which the Administrative Staff do their best to go into the various complaints and grievances that are brought to them. The Honourable Member for Calabar spoke at considerable length on the Native Court system, a length which I do not propose to emulate. His chief point was that not every native has the right to appeal. In actual practice I think the Honourable Member is very well aware that any native who has a grievance is entitled to be heard by one of the District Officers, and that that grievance is gone into. I think the Honourable Member has rather lost sight of one aspect of the work of the Native Courts. A good deal of their work consists in interpreting and giving decisions on native law and custom. The Honourable Member spoke of legal reforms by which, I presume, he was referring to English laws, but English laws can have very little to do with the subject of a dispute in which native law and custom is concerned. He said practically in effect that members of the Native Courts were not fit to exercise their judicial duties because they had not had training: by training I think I am right in saying he meant training in English law. It is the practice throughout the Southern Provinces for the village heads and the village elders to settle disputes themselves in the different villages, and if the judicial authorities are correctly chosen—and this is being done more and more as time goes on—these are the persons who are entitled by native law and custom to exercise judicial functions when they become members of the Native Court, and they have by that time had a great deal of experience in the tasks which they are called upon to perform.

One does not pretend that the judicial system of Nigeria is perfect, or that wrong decisions are not sometimes given. It would be a rash thing to say that wrong decisions are never given in any Court; I would say that they are sometimes given in every Court, but perhaps more so in some than in others. It is human to make mistakes and I am afraid those who exercise judicial functions are as human as anybody else. A great deal has been said of the corruption in Native Courts. I am not prepared to say corruption does not exist, but I think it should be remembered that there are very few judicial systems anywhere in the world which can be said to be absolutely free from corruption. I will not specialise any country in particular, but, taking European countries even, one could mention a good many which are notorious for the corruption which goes on in their courts. It is not many centuries ago since the Chief Justice of England was notorious for receiving bribes, and I must say that one must not expect too much of the Native Courts. I myself have held various positions in this country. Many years ago I occupied a certain position in Lagos and one day on returning to my house I found somebody there who offered me £5. It appeared that he had received compensation for some land that had been taken from him, and I am afraid he got too much! I have heard similar stories in connection with the judges in this country. Again I will not specify any names.

Native Court members are frequently offered small gifts, perhaps sometimes larger ones, and it takes a very highly principled person to refuse these gifts every time. In a country like this what we should like to see in principle is, that the decision is a right one, and if the Native Court member is given five shillings or whatever it is, so long as the decision is right, it does not matter so very much. A great deal of work would be created if there were a continuous chain of appeals from the Native Courts and the Provincial Courts to the Supreme Court, and from the Supreme Court to other courts. I am quite confident that this remedy would not effect the good that it is expected it would do. There certainly would be a great many lawyers encouraging litigants in the Native Courts to appeal from Native Court decisions. The African is very litigious and if he has the opportunity he will go on in many cases as far as he can, and if there were this continuous chain, a large

proportion of the population would spend a great deal of time in the courts, and a great deal of their money would be spent on litigation. Those who would do very well would be those conducting the cases.

A great many cases have been referred to, cases which have actually occurred. It is impossible for me or for anyone here to check the statements that have been made and to say how far the circumstances quoted have been quoted correctly. I notice that Honourable Members who have spoken have gone back a good many years to obtain the cases they have quoted. One case arose in the days of Lord Lugard when he was Governor-General: I think I am correct in saying that another case took place in 1922 or 1923. We heard this morning, in reply to a question, the vast number of cases which are heard in Native Courts, and I say that, although mistakes are made at times and always will be made, there is no evidence to show that mistakes occur in a very large proportion of the cases. In my view we should not adopt the policy suggested of a chain of appeals. It seems to me that the immediate remedy is to do all we can to improve the Native Courts as they are and leave higher appeals to the Administrative Officers. An Honourable Member who has just spoken quoted one case which sounded absurd in some respects, but I think I am right in saying that in the end justice was done. It is, I know, a very difficult matter. Although I have not resumed duty in the Southern Provinces many months, the subject of the Native Courts is engaging the serious consideration of those who are concerned, including that of His Excellency. I would say this: that we have not administered the Southern Provinces, as time goes, for many years, yet on the whole the Native Courts do substantial justice, and owing to the devotion with which the Administrative Officers, many of them junior, carry out their work, the Native Courts show continuous improvement from year to year, and there is every reason to suppose that as years go on they will improve more and more.

His Honour the Lieutenant-Governor, Northern Provinces:—

Your Excellency, I merely rise to express to Your Excellency and Honourable Members my entire concurrence with all the Lieutenant-Governor of the Southern Provinces has just said. Naturally when an attack is made, as it was by the proposer of the motion, on Native Courts, it must apply in an assembly such as this, to the whole of the Native Courts of Nigeria; therefore I think we should all realise that in fact the attack was made only on that corner of the country in which Mr. Clinton lives and works. It was in no sense an attack on the Native Courts of Nigeria as a whole, and I therefore do not feel called upon for one moment to defend the Native Courts in the big emirates of the north with which I am familiar. The assumption in the foundation and evolution of Native Courts is that, where you have a people who are one undivided body and have their own royalty for their rulers and ruling chiefs, that is the best way of dealing with ordinary disputes, and that we have tried to do. If many of you knew the numerous cases dealt with every year by these Courts you would see the impossibility of employing properly-trained lawyers for the work. In Nigeria you have 20,000,000 people. How could you possibly find enough Mr. Clintons to deal with the disputes of 20,000,000 people? The Supreme Courts are unable to help with the work, therefore we have to provide means by which the people can settle their disputes themselves.

I think, Sir, there is a danger of magnifying what is called litigation. In the old days the Chiefs settled disputes. They did not make quarterly returns, but now we insist that there shall be a record of every case, and my opinion is that the word "litigation" is used to cover trumpery disputes which in the old days would have been settled by the head of the village or hamlet, but which in our records assume a magnitude which is absurd. I think that all Members of this Council, in particular those who know anything about the big Native Courts in the north of this country, must admit that they are on the whole satisfactory and very proper for dealing with disputes.

We must of course have the mechanism for dealing with matters and that we have in the Provincial Courts and the Supreme Court, the Full Court and the Privy Council. With the Native Courts, native schools, and all those things that are the life of the country, though they may not be perfect,

improve them as best we can; they have improved enormously within the last sixteen years, and I think it would be a great mistake to alter their status and take away the solidarity of the community throughout the country.

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

Your Excellency, I do not propose to say many words, especially in view of what both Lieutenant-Governors have just said, but I should like to associate myself with them in opposing this motion on behalf of the Government. The question that has been raised by the Honourable Member for Calabar has been debated and discussed over a considerable number of years, in fact I might almost say it has been discussed *ad nauseum*, and at any rate one cannot say that the official Members of this Council, or rather certain of them, have laboured in persistency in attacking the system of Native Courts.

With regard to the cases which the Honourable Member for Calabar has quoted, although I have no doubt they are founded on fact, Honourable Members must remember that the facts have been supplied to the Honourable Member by litigants whom he was representing, and therefore in that sense they are only *ex-parte*. Another thing that has impressed me more than anything else in the instances which he gave is that, in effect, he paid a tribute to, rather than made a criticism of, the safeguards which have been provided against injustices both in the Native Courts and in the Provincial Court of England, it would be a calamitous thing for this country wrong decisions in law and probably decisions which were given as a result of corruption, but at the same time, in almost every instance, the matter has been put right, sometimes after a very short time, by application to the District Officer. I think in every case justice has been done in the long run, and I maintain that this is a tribute to the Native Courts and that the safeguards provided are really adequate and not merely illusory. The same remarks apply to the judgments given in the Provincial Courts.

Supposing we were to do away with the system of Native Courts, what would take its place? We should have to import an army of lawyers from somewhere to sit in these Courts and administer justice, or, as this motion goes, see the Native Courts controlled by the Supreme Court. That is what it really amounts to if you are going to permit appeals from Native Courts which will eventually find their way to the Supreme Court. The Native Courts themselves are part of the framework of the administration of this country. The administration of this country is based on the idea that we are to foster and encourage native institutions so that in course of time the people of this country may be able to administer it themselves without the large amount of assistance that is given at present.

It seems to me, therefore, that if you give the Supreme Court power to introduce its own procedure and give it control over Native Courts, the results may be disastrous. I say quite frankly, that brought up as I am and steeped in the traditions of the High Court of England, it would be a calamitous thing for this country if the Supreme Court, with its technicalities and refinements, were able to interfere with the decisions of the Native Courts. The procedure of the Supreme Court is fitted for civilised people, and of course, the people of the coast towns of Nigeria who have been in touch with European civilisation for some time come within this category, but how can primitive natives be expected to understand all the refinements of High Court procedure when it is suddenly imposed on them? The only alternative to the system we have at present is to introduce a large number of lawyers as judges, but whether this is done or whether the Native Courts are placed under the Supreme Court, the result, as far as the development of native institutions is concerned, would be equally disastrous. The picture which the Honourable Member for Calabar conjured up in his mind, and discussed as the ideal arrangement for this country was the system which so he suggests is in force on the Gold Coast for dealing with land cases. There, apparently an appeal is allowed from a minor Chief's Court, then to the Commissioner's Court, then to the Full Court and eventually to the Privy Council. That, Sir, may be an alluring prospect to lawyers who appear on behalf of the

litigants in such cases, but I doubt whether there would be very much land left for the litigant after the case was finished. If there were many such cases it would not be long before the land of the people was in the hands of the lawyers.

The Honourable Member referred in particular to a case in which the Supreme Court had given judgment, which was, however, reversed by a decision of the Native Court. In spite of what the Honourable Member said, there is a remedy for this sort of thing, in section 18 of the Native Courts Ordinance which says:—

“Native tribunals shall carry into execution any decrees or orders of the Supreme or Provincial Court directed to them, and shall execute all warrants, and serve all process issued by, and generally give such assistance to, the Supreme or Provincial Court, as may be required of them.”

If such a case happened as the Honourable Member mentioned, all that would be necessary would be for an application to be made to the Supreme Court or the Provincial Court in question for a decree ordering the Native Court to carry out the orders of the Supreme or Divisional Court whose judgment had been given.

It has been suggested that Native Courts are not competent to deal with matters which are brought before them in view of the fact that they are illiterate. With regard to that suggestion I would point out that, although they may not be able to read or write, they do know something about native law and custom, which is the law they have to administer, and they know it better than any English judge who could be put there to take their place.

The safeguards which are provided against injustice as far as the Native Courts are concerned, are access to the records of cases by District Officers, and, if the District Officer does his work properly, I maintain it is a very adequate safeguard and one that should ensure against any injustice being committed.

With regard to the Provincial Courts which the Honourable Member says are presided over by people untrained in the law, I do not know whether he thinks that, because a person has been called to the Bar he is therefore fully qualified to sit in a Court: I say most emphatically he is not. The Bar examination is one of the easiest to pass, and many people pass it after six months' fairly easy work. The art of administering justice is gained by experience, and the Provincial Courts are presided over by, and the judges who sit in them are, persons who have had considerable experience in administering justice, and are certainly more qualified to sit in those Courts than someone whose qualification is only a recent call to the Bar.

I will give an example in connection with this. I refer to the courts of what are known as “the great unpaid” in England, where justice is administered impartially and efficiently by men who have had no training whatsoever in law. When I refer to “the great unpaid” I mean of course the ordinary justices of the peace.

In view of what both Lieutenant-Governors have said, I do not think I need add anything further. I would only ask Honourable Members to remember that the system is in its infancy and that therefore they should have patience and give it a fair trial.

• The Hon. the Member for Calabar (Mr. C. W. Clinton).—

Your Excellency, I claim my right to reply, as this matter is of such seriousness that I think it is my duty to endeavour to reply to the remarks that have been made by various Honourable gentlemen who have endeavoured to meet my arguments.

It has been stated that it is not an unusual thing for courts in England, or in other parts of the world, to give judgments which are not correct. Of course that is obvious, for nobody is infallible. It is not the fact that unfair, unjust, and biased decisions



are sometimes given that we are complaining of, but it is in the system which encourages those unjust judgments that is troubling the system by which one has no right of appeal if one is dissatisfied with a judgment, and is deprived of the right of saying anything. His Honour the Lieutenant-Governor of the Southern Provinces said that he hopes and trusts the system will improve, but if a system is not a good one and it is allowed to continue on such an improper basis, what are the hopes of improvement? Can people improve on their own initiative when the system upon which they are working is not a proper system? The Native Courts system started in 1914 and in these last sixteen years, so far as we are concerned, we do not see any improvement at all. Unjust sentences are given day after day. There have been sentences in land cases which I have refrained to mention, but I will just refer to the case of Okorie Ekpe v. Kalu Njeke in the district of Aro Chuku, where judgment was given in the Native Court in respect of a piece of land. Since 1904 the man for whom judgment had been given had lived on his land in peace and happiness, until the Native Court of Ututu was created, when the person who had lost the case went to the Court and asked for the case to be heard there. The Court tried the case, and in spite of the fact that it was the same piece of land, they reversed the former decision and found for the plaintiff, whereupon the defendant went to the District Officer and told him that the Native Court at Ututu had disregarded the former judgment and given judgment for the plaintiff. He appealed to the Supreme Court, for there is an appeal in civil cases to the Supreme Court, and judgment was given that the decision of 1904 should be upheld, and a decree was made that the land belonged to the party who had won the case in 1904.

The other party went back to the Native Court at Ututu and brought another action, and the Native Court ignored the judgment of the Supreme Court and found again for the plaintiff. The District Officer was asked to interfere, but he refused to do so, so this piece of land which was given by the Supreme Court to the party who won the case in 1904, is now in the hands of his opponent. I maintain that if the system had been a proper one, this state of things could not have occurred.

The Hon. the Acting Attorney-General:—

I have invited the Honourable Member's attention to the Native Courts Ordinance which directs that Native tribunals shall carry into effect any orders which the Supreme Court may direct to them.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

That refers I think, Sir, to decisions not upsetting the judgments of the Native Court.

It has been said that there are so many native courts and so many cases are tried in them that it would be impossible to provide enough officers to deal with them. That is very peculiar. When I first came to the country in 1909 the system did not exist, and in those days an appeal was allowed from a Native Court to the Supreme Court. The number of cases then was comparatively few, so what is the reason for the great number of cases now? Is it because the Courts are becoming so numerous?

His Honour the Lieutenant-Governor, Northern Provinces:—

The Honourable Member talks as if he were including the whole of Nigeria in his remarks.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I am confining myself to the Southern Provinces, Sir.

His Honour the Lieutenant-Governor, Northern Provinces:—

That is what I want you to make clear.

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Joba):—

Would the Honourable Member specify the courts where there is this bribery and corruption? He speaks of the Eastern Provinces of the Southern Provinces, but I would ask him to give details of the names of the Courts.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I was only drawing attention to the fact that His Honour the Lieutenant-Governor of the Northern Provinces said it would be impossible to provide men to deal with all cases because they were so numerous. That also applies to the Southern Provinces, and in answer to that remark I would say that the reason why there are so many cases is on account of the multiplicity of Native Courts in the Southern Provinces,

His Honour the Lieutenant-Governor, Northern Provinces:—

May I say, Sir, the Honourable Member's motion talks about the people of the Protectorate. I should like to know if the motion is confined to the Southern Provinces, or to the Calabar Province, or if it includes the Protectorate?

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

All I can say, Sir, is that my knowledge is confined to the Native Courts of the Southern Provinces. I do not consider that the reason for the multiplicity of cases is due to the fact that there are lawyers in the country, or due to the fact that the natives themselves are fond of litigation; it is due to the fact that Native Courts have been instituted in so many places. We had statistics given us this morning showing the tremendous rate of increase that has taken place, and it is a fact that cases come before these courts which would never be entertained at all in an ordinary Court of Law.

His Honour the Lieutenant-Governor, Northern Provinces:—

I suggest that is due to a lack of executive authority in dealing with these matters?

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

No, Sir, I submit that it is quite the other way about. It is too much executive authority. If it had been one court dealing with a decision of another judicial court, that would have been the proper procedure, but where a judicial decision, when it gives dissatisfaction, is not dealt with by the Supreme Court, then there comes the trouble.

The Honourable Attorney-General has mentioned that in each of the several cases I quoted, justice has eventually been done, but there again, if he had paid due attention to what I said, he would have realised that justice when it was done, was not done under the system. The dissatisfied parties had to go outside the Native Courts system in order to get justice. It is the system I am attacking all the time. In the case of Eyamba, which I quoted, who tried to take some land belonging to other people, it was not the Native Court that gave a proper judgment, it was the action of the Resident, who had no judicial powers whatever, who advised the District Officer to interfere, and who eventually saw to it that justice was done.

It is also submitted that if appeals are allowed, there will be so many that will eventually find their way to the Privy Council, that they will be congested with appeals in land cases. I would point out that appeals are allowed in the Gold Coast and in the Gambia, where this very same question has been fought and the privilege has been conceded, and I do not think you have heard of any cases at all from the Gambia coming before the Privy Council, and indeed very few from the Gold Coast. I do not seriously think that would be the result here in Nigeria either.

It has been said that people untrained in law in England are allowed to sit in courts and try cases—I refer to Justices of the Peace. Yes, I quite agree, Sir. We are not saying that the Native Court Chiefs shall not sit and try cases; we are not asking that the Native Courts system should be abolished; we are asking that there shall be appeals just as there are appeals from the Justices of the Peace Courts in England. It is true they are untrained in law, but they have lawyers as clerks who sit in the courts and guide them. I was in one of those courts once when the Justice of the Peace got up and asked a question: immediately the clerk got up and told him he could not ask that question. Besides, these men, if they know no law, yet they are trained in uprightness, they have high principles, they are trained in matters of duty, and they are independent men having their own private resources.

Finally, Sir, I would say that it is the denial of the right of appeal from decisions of the Native Courts, and from decisions of the Provincial Courts in criminal cases, that we are mostly crying out against.

His Excellency then put the motion to the vote and it was lost by 10 votes to 30. Honourable Members voted as follows:—

## FOR—10.

The Hon. the Third Lagos Member.  
The Hon. the Member for Calabar.  
The Hon. the Member for the Warri-Benin Division.  
The Hon. the Member for the Rivers Division.  
The Hon. the Commercial Member for Calabar.  
The Hon. the Member representing the Niger African Traders.  
The Hon. the Second Lagos Member.  
The Hon. the Member for the Ibo Division.  
The Hon. the Member for the Colony Division.  
The Hon. the First Lagos Member.

## AGAINST—30.

The Hon. the Commercial Member for Kano, (Provisional).  
The Hon. the Member for the Oyo Division.  
The Hon. the Banking Member.  
The Hon. the Commercial Member for Lagos.  
The Hon. the Member for Shipping.  
The Hon. the Member for the Egba Division.  
The Hon. the Resident, Benin Province, (Extraordinary).  
The Hon. Mr. L. Bettesworth (Provisional).  
The Hon. Lt.-Col. R. H. Rowe.  
The Hon. the Director of Agriculture.  
The Hon. the Director of Public Works.  
The Hon. the Senior Resident, Zaria Province.  
The Hon. the Senior Resident, Plateau Province.  
The Hon. the Deputy Chief Secretary.  
The Hon. the Secretary, Northern Provinces.  
The Hon. the Secretary, Southern Provinces.  
The Hon. the Senior Resident, Niger Province.  
The Hon. the Senior Resident, Oyo Province.  
The Hon. the Secretary for Native Affairs.  
The Hon. Mr. E. R. J. Hussey.  
The Hon. the Administrator of the Colony.  
The Hon. the Comptroller of Customs.  
The Hon. the Director of Marine.  
The Hon. the Director of Medical and Sanitary Service.  
The Hon. the Commandant.  
The Hon. the Treasurer.  
The Hon. the Acting Attorney-General.  
His Honour the Lieut.-Governor, Southern Provinces.  
His Honour the Lieut.-Governor, Northern Provinces.  
The Hon. the Chief Secretary to the Government.

Council adjourned at 5 p.m.

DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA

ON  
Friday, 31st January, 1930.

Pursuant to notice the Honourable the Members of  
the Legislative Council met in the Council Chamber,  
at 10. A.M. on Friday, the 31st January, 1930.

PRESENT :—

- His Excellency The Governor,  
Sir Graeme Thomson, G.C.M.G., K.C.B.
- The Chief Secretary to the Government,  
The Honourable Sir Frank Baddeley, K.B.E., C.M.G.
- The Lieutenant-Governor, Northern Provinces,  
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Lieutenant-Governor, Southern Provinces,  
His Honour Mr. C. W. Alexander, C.M.G.
- The Acting Attorney-General,  
The Honourable Mr. J. C. Howarth
- The Treasurer,  
The Honourable Mr. C. W. Leese.
- The Commandant,  
The Honourable Colonel C. C. N. [unclear], C.M.G., D.S.O.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson.
- 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 Administrator,  
The Honourable Major W. Birrell-Gray, C.M.G.
- The Comptroller of Customs,  
The Honourable Mr. W. K. Duncombe.
- The Honourable Mr. E. R. J. Hussey,  
The Director of Education.
- The Secretary for Native Affairs,  
The Honourable Mr. G. S. Browne.
- The Senior Resident, Oyo Province,  
The Honourable Captain W. A. Ross, C.M.G.
- The Senior Resident, Niger Province,  
The Honourable Mr. J. C. C. P. Sciortino.
- The Secretary, Southern Provinces,  
The Honourable Major C. T. Lawrence, O.B.E.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem.
- The Deputy Chief Secretary,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Zaria Province,  
The Honourable Mr. C. A. Woodhouse.

- The Director of Public Works,  
The Honourable Mr. C. L. Cox,
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.  
The Commissioner of Lands,
- The Honourable Mr. L. Bettsworth (Provisional).  
The Acting Postmaster-General,
- The Resident Benin Province (Extraordinary).  
The Honourable Mr. H. de B. Bewley,
- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,  
The Honourable Sir Kitoyi Ajaṣa, Kt., O.B.E.
- The Mining Member,  
The Honourable Mr. A. L. Butler.
- The Member for the Ibo Division,  
The Honourable Mr. I. O. Mba.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,  
The Honourable Mr. G. G. Paul.
- The Member for the Egba Division,  
The Honourable Mr. S. H. se.
- The Member for the Rivers Division,  
The Honourable Mr. Mark Pepple Jaja.
- The Member for Shipping,  
The Honourable Mr. H. S. Peggetter.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Banking Member,  
The Honourable Mr. L. M. Herapath.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn (Provisional).

**ABSENT.**

- The Senior Resident, Cameroons Province,  
The Honourable Mr. E. J. Arnett, C.M.G.
- The Senior Resident, Adamawa Province,  
The Honourable Mr. J. W. Webster, M.B.E.
- The Senior Resident, Calabar Province,  
The Honourable Mr. E. M. Falk.
- The Resident, Ogoja Province,  
The Honourable Mr. P. A. Talbot.
- The Resident, Owerri Province,  
The Honourable M. F. H. Ingles.
- The Resident Ilorin Province,  
The Honourable Mr. H. B. Hermon-Hodge.
- The Acting General Manager of the Railway,  
The Honourable Mr. W. Cramer Bostock.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. L. White.

## ANNOUNCEMENTS.

His Excellency:—

Before proceeding with the Order of the Day there are two announcements I should like to make. The first is this: it has been brought to my notice that a number of people imagine because I have appointed a Commission with much wider powers to go into all matters connected with the recent disturbances in the Eastern Provinces, that I have thrown over the report of the Birrell-Gray Commission. That is not the case. Government are satisfied that the findings of the Birrell-Gray Commission are correct; nevertheless, should the wider Commission wish to make further inquiries into matters with which the earlier Commission was concerned, they are entitled to do so. I think, however, that it is probable as the Birrell-Gray Commission went into the matter of the shootings very carefully, they may not want to do so. The only point on which I do not altogether agree with the findings of the Commission which has already reported is one which is entirely a matter of opinion, and that is the suggestion that it would have been better if stronger measures had been taken the day before. That, it seems to me, is a matter of conjecture. It is quite possible that if stronger measures had been taken the day before, they would have led to bloodshed just as the later measures did, and that would have laid administrative officers open to the charge of having acted hastily and without having made every attempt to discuss the matter at a mass meeting of the women and do what they could by persuasion.

The other announcement I wish to make is, that it has been brought to my notice that rumours are current throughout Opobo that Chief Mark Pepple Jaja either ordered the firing on the mob or influenced it in some way. The Honourable Member is naturally very distressed that these rumours should have become current, and I think it is only reasonable that I should make the following announcement, first that Chief Mark Pepple Jaja was not on the spot, and secondly that he had no connection whatever with the orders given or with the events which led up to the firing.

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—

I thank you, Sir.

## MINUTES.

The Minutes of the Meeting of the 30th January, 1930, having been printed and circulated to Honourable Members, were taken as read and confirmed.

## QUESTIONS.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

1. To ask whether the 200, or more, market sheds demolished at Oko Awo in November last year were Government sheds erected by the Town Council, or by some other Government Department? If not,

(b) To ask whether they were demolished by order of the Court? or

(c) To ask by what order were they demolished, and under what authority?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The land at Oko Awo on which were set up the sheds to which the Honourable Member refers, is Crown land. The control of squatters and the issue of permits for the temporary occupation of Crown lands in the Township are matters that concern the Lagos Town Council, on which there are representative members, and it is not proposed that Government should interfere in a matter which is within the jurisdiction of that body.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-SERVICE):—

2. If the 200, or more, market sheds put up at the expense of the poor market women themselves, and not at Government expense, to ask whether Government will not be disposed to adequately compensate the women, and to ask who, or what Department, is to find the money?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The Honourable Member is referred to my reply to question No. 1.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

3. To ask whether the site on which the demolished market sheds stood had been at any time purchased, or otherwise acquired, by Government for public purposes? If so

(b) To ask when was it acquired?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The Honourable Member is referred to my reply to question No. 1.

THE HON. THE FIRST LAGOS MEMBER (DR C. C. ADENIYI-JONES):—

4. To ask whether Government will state the reason, or reasons why the sheds were demolished? and

(b) Whether any notice of the intention of Government to demolish them were at any time served on the women, in writing, before the sheds were demolished?

THE HON. THE ADMINISTRATOR OF THE COLONY:—

The Honourable Member is referred to my reply to question No. 1.

THE HON. THE BANKING MEMBER (MR. L. M. HERAPATH):—

5. To ask what revenue has been received from the additional duties imposed in February, 1928 on—

(a) Petrol.

(b) Spirits.

(c) Tobacco.

and to what extent, if any, does the amount of extra duty collected vary from the original estimate in each case?

THE HON. THE COMPTROLLER OF CUSTOMS:—

	1928.	1929.
	£	£
(a) Petrol ... ..	—	40,716
(b) Spirits ... ..	48,762	56,353
(c) Tobacco ... ..	131,258	183,107

The new duties on spirits and tobacco were imposed as an offset against the estimated loss of £150,000 *per annum* owing to the abolition of the duties on foodstuffs. The new duties on petrol did not come into force until January, 1929.

THE HON. THE BANKING MEMBER (MR. L. M. HERAPATH):—

6. What is the total cost to the country of the preventive service (for the suppression of smuggling) from the 1st January, 1928, to 31st December, 1929?

THE HON. THE COMPTROLLER OF CUSTOMS:—

The total cost of the Police Preventive Service on the eastern and western frontiers from 1st January, 1928, to 30th December, 1929, was £16,740. This amount includes special non-recurrent expenditure amounting to £1,500.

THE HON. THE BANKING MEMBER (MR. L. M. HERAPATH):—

7. What goods have been confiscated by the preventive service during this period, what is their value and what is the amount received by Government from the realisation of these goods?

THE HON. THE COMPTROLLER OF CUSTOMS:—

	1928.			1929.		
	Quantity.	Value.		Quantity.	Value.	
		£.	s. d.		£	s.
Tobacco lb. ...	2,112	105	12 0	25,613	280	13
Cigarettes hundreds	1,907	95	7 0	1,166	58	6
Gin ...		No record.			No record.	
The sales produced		1928.			1929.	
		£189 4s. 0d.			£143 9s. 0d.	

It must be borne in mind that all seizures of gin are destroyed, also seizures of tobacco and cigarettes up country and no record is kept of quantities.

THE HON. THE BANKING MEMBER (MR. L. M. HERAPATH):—

8. What is the estimated loss to revenue through smuggling for the years 1928 and 1929, and how many convictions have been obtained against smugglers during this period?

THE HON. THE COMPTROLLER OF CUSTOMS:—

It is impossible to give an estimate which would be even approximately reliable. 472 convictions have been obtained during this period.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

9. (a) Does Government intend to appoint a Commission to make a thorough investigation into the recent disturbances at Aba and elsewhere?

(b) If so, will Government nominate at least one Unofficial as a member of the Commission and publish the report of the Commission?

The Honourable Member withdrew this question.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

10. When does Government intend to proceed with the Ibadan Water and Lighting Schemes?

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

Investigations of a likely source for the Ibadan Water Supply were commenced some time ago and are still in progress. It is not yet possible to say whether this source will prove adequate and suitable for what will inevitably be a large and expensive scheme, or when construction can be commenced.

As regards lighting schemes the necessary particulars have already been obtained, and as soon as the site for the Power Station has been decided upon plans and estimates will be prepared for the consideration of Government.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

11. Will the Director of Public Works consider the advisability of adopting the practice at home of publishing all tenders received in response to an invitation for tenders after the same have been adjudicated on?

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

The practice of publishing all tenders received in response to an invitation is not an invariable one at home, and after consideration of the matter Government has decided at present not to make public the amounts of the tenders submitted.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

12. Will the Director of Public Works consider the advisability of extending to at least two months the time within which tenders invited for a contract may be put in so as to enable contractors to study more closely the plans and specifications and to ascertain the prices of materials not procurable locally?

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

The time allowed for tendering must depend on the size and urgency of the work, but as far as possible endeavours will always be made to meet the wishes of contracting firms in this respect.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

13. With reference to the Apapa Road contracts will the Director of Public Works state what his Department's estimate was and what was the amount of the successful tender?

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

The comparable departmental estimate for deviations on the Apapa road and for two branch roads was £2,455. The amount of the accepted tender was £2,445 10s.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

14. Will the Director of Public Works state why after inviting tenders for certain work at Iju it was decided three months later to do the work departmentally?



THE HON. THE DIRECTOR OF PUBLIC WORKS:—

This refers to additions and improvements to the Iju purification works of the Lagos water supply undertaking. No invitation to tender was issued but it was notified in the Press on September 14th, 15th and 16th that the Director of Public Works had the matter under consideration, and that qualified contractors might view the drawings and draft specifications.

The Assistant Director (Waterworks) discussed the matter with the local representatives of certain contracting firms, and after consideration it was decided by Government that, having regard to the delay that might arise and to the intricate nature of the scheme and its intimate connection with existing arrangements, the work should be carried out departmentally.

On December 6th by letter and by a personal visit the Assistant Director (Waterworks) notified Government's decision to each of the firms concerned.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

15. Will the Director of Public Works state—

- (a) What was the estimate for building the MacGregor Canal Bridge?
- (b) The amount already expended?
- (c) When the Bridge will be completed?
- (d) Why the work was not undertaken by the Lagos Town Council?

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

(a) The original estimate was £3,200 and the revised estimate, £3,049.

(b) The amount expended to January 27th, including liabilities was £2,425.

(c) It is hoped that the bridge will be opened to traffic by the end of February and that the road metalling and tarring will be completed by the end of March.

(d) The Town Council stated that it had neither the staff nor the plant necessary.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

16. To enquire, if, in view of the increased export of palm oil to the United States any action has been taken by Government to ascertain the quality of oil required for the American market, with a view to avoiding the loss of this trade when considerable supplies of high grade oil are available from the East Indies?

THE HON. THE DIRECTOR OF AGRICULTURE:—

Every endeavour is made to ascertain this information from exporting firms, particularly in regard to the sale of oil in bulk which is especially relevant to this subject. So far as can be reliably ascertained the demand at present is rather for oil of stated quality than for oil of specially high quality.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

17. What definite progress has been made towards improving the quality exported from Nigeria (beyond the usual functions of the Inspection Department) to compete with the high grade palm oil produced in the Belg Congo and East Indies?

THE HON. THE DIRECTOR OF AGRICULTURE:—

The efforts which the Agricultural Department is making in this direction have been reported in the annual report of the Department and are mentioned on pages 9 and 10 of His Excellency's Address. Progress is handicapped by the present narrow margin between the prices of oil of low and high acid content on the home market and the fact that the exporting firms generally do not offer locally even the small premium for superior oil which that margin would appear to justify.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

18. In view of the fact that several of the firms established in Nigeria are in a position to supply a large percentage of the materials required by the several Government Departments, as expeditiously, and at least as cheaply as under the present system, to ask, if Government will not consider the question of giving firms an opportunity of tendering for the supply of goods now ordered through the Crown Agents?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Local firms are invited to tender for articles which are produced in Nigeria or adjacent countries or which, owing to special circumstances, can be purchased as advantageously locally as they can be ordered from abroad. Owing to the facilities possessed by the Crown Agents for ordering supplies for the various Colonies in bulk and for their inspection by experts it is not considered that any alteration in the present method of purchasing materials would be advantageous.

#### BILLS.

##### THE POLICE ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Postmaster-General, a Bill entitled "The Police Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

##### THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Commissioner of Lands, a Bill entitled "The Motor Traffic (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

##### THE SHERIFFS (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Agriculture, a Bill entitled "The Sheriffs (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

##### THE WEIGHTS AND MEASURES (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Public Works, a Bill entitled "The Weights and Measures (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

##### THE CHANGE OF TITLES ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, a Bill entitled "The Change of Titles Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

##### THE LUNACY (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, a Bill entitled "The Lunacy (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE PUBLIC HEALTH (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, a Bill entitled "The Public Health (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE ADMINISTRATION (FOREIGN EMPLOYMENT) AMENDMENT ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Senior Resident, Oyo Province, a Bill entitled "The Administration (Foreign Employment) (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE HARBOUR DUES (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Marine, a Bill entitled "The Harbour Dues (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE NELL PENSION ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Treasurer, a Bill entitled "The Nell Pension Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE APPOINTMENT AND DEPOSITION OF CHIEFS ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Secretary for Native Affairs, a Bill entitled "The Appointment and Deposition of Chiefs Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Secretary for Native Affairs, a Bill entitled "The Native Authority (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE NATIVE COURTS (AMENDMENT) ORDINANCE, 1930.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Secretary for Native Affairs, a Bill entitled "The Native Courts (Amendment) Ordinance, 1930" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

## THE 1930-31 SUPPLY ORDINANCE, 1930.

On the motion of the Honourable the Chief Secretary to the Government, seconded by the Honourable the Treasurer, a Bill entitled "The 1930-31 Supply Ordinance, 1930" was read a first time.

The Hon. the Chief Secretary to the Government:—

Sir, in terms of Standing Order 74, I move that Standing Order 23 be suspended to allow this Bill to be read a second time at this meeting of the Council.

The Hon. the Treasurer:—

I beg to second the motion.

His Excellency :—

Standing Orders suspended.

The Hon. the Chief Secretary to the Government :—

I rise, Sir, to move that a Bill entitled " An Ordinance to provide for the service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and thirty-one " be read a second time. I would ask Honourable Members if, following the custom of last year, they will make their speeches on the budget during the second reading. It is much more convenient to do so then because we have the benefit of those remarks when we consider the Bill in Committee of the whole House.

I do not propose to say very much in introducing the second reading because if you will look at the Memorandum which has been laid on the table, and which has been in the hands of most Honourable Members for some time, you will find there, we hope, all the details that will assist you in understanding the Estimates. Therefore it would be wasting your time and mine to repeat what is already down in the Memorandum. There are, however, one or two points to which I must draw your attention.

While the Bill only deals with expenditure, it is not possible in any discussion on the finances of the country to leave out the question of revenue, and you will find if you will look at the Estimates that the estimate of revenue for this year was £6,398,171. The revised estimate for the current year, however, shows a considerable decrease and is £6,058,931. Our estimate for next year it is true is higher than our estimate for the current year but only by £200,000. Our main item of revenue—Customs—shows an estimate for the coming year of £3,610,700, which is actually less than we had estimated for this year, although it is slightly more than the revised estimate for the current year. Those figures show that our revenue this year has not come in as we had expected, and it would be imprudent to estimate our Customs revenue next year higher than we did in the approved estimate for the current year.

If you will turn to the Memorandum on the Estimates you will find there some figures which are interesting. On the first page you will see that this time last year we estimated that our surplus balance on the 31st March this year, would be £3,700,514. The revised figure now leads to the conclusion that that figure will be £4,002,988, that is to say it will be in the neighbourhood of £300,000 better than we thought. When we commenced the financial year 1928-29, what I call the paper deficit in the budget was £1,660,310. this year it was £792,267. Next year as you will see, instead of there being a deficit we are budgetting for a surplus of over £5,000.

Those were, however, the estimated and not the actual deficits in previous years. For example, the actual deficit in 1928-29 was £966,442, against a paper figure of £1,660,310, which means that we made up £693,868. This year the paper deficit is £792,267, but the revised deficit is £685,830, so that we have not made up this year anything like the proportion we did the year before.

When the financial year began you, Sir, were at home, and the Treasurer and I began to see that the revenue was not coming in as we expected. After very careful consideration therefore, we came to the conclusion that it was our bounden duty, if Your Excellency approved, to show a balanced budget for the coming financial year, and this for more reasons than one. In the first instance we could not overlook the fact that this Council unanimously passed a resolution a year ago that economy must be the order of the day.

Secondly, we wanted to be in a position to ask the Crown Agents, to float a loan when the time was favourable. It was of the utmost importance that when the loan was floated the financial position of Nigeria should be not only sound, but in such a state as would appeal to the financiers at home. We have a good surplus balance as anybody can see, but for the last three years we have been drawing heavily on that. No surplus balance is inexhaustible and that policy, therefore, could not go on. If people see, as they will see now, that we have been able to balance our budget, they will realise we are not spending more money than we have got, and that in effect we are cutting our coat according to our cloth. This will have a great influence on the success of our loan which may be

floated at any time now. It should be realised that a difference of one *per cent.* in the interest on a loan of £5,000,000 is £50,000, so it is absolutely essential that we should show that our finances are in a satisfactory condition. In order to do that and to arrive at a balanced budget, there are two items on which economies might be effected, Public Works Extraordinary and Personal Emoluments, as other charges, annually recurrent, cannot be drastically cut in any particular year.

With regard to Personal Emoluments, the efficient staffing of the departments must be provided for, and you cannot by a stroke of the pen, send away a quarter or half of your staff. There are certain departments such as the Medical and Education which cannot be allowed to stand still. There have been vacancies in each of those departments which it has been necessary to fill, and that of course means additional charges in the way of passages, travelling allowances, etc. Therefore Personal Emoluments and Other Charges, while we have kept them down to what we considered the minimum expenditure, inevitably show a slight increase over the year before. I am satisfied that when you go into these figures you will see that while we have not provided for a reduction we have at least avoided expenditure on these items which would otherwise have swelled the figures considerably.

If you subtract from the total revenue the sums spent on Personal Emoluments and Other Charges, you will get the figure which we can afford to spend on Special Works, if you are to balance your budget. At the beginning of the financial year we came to the conclusion that the figure should be £500,000, so far as Public Works Extraordinary were concerned and in accordance with an established system that this figure should be divided between the north and the south, the Lieutenant-Governors were instructed to frame their Public Works Extraordinary budgets on this basis, and they were also warned that they should have a list ready of deletions if later on it was found we could not keep to the £500,000 earmarked. As the year went on it was seen that we should not be able to grant the whole of this £500,000 if our budget was to balance, therefore we reduced the amount to £400,000, and the estimates so far received amount to £386,000. That of course is a great drop from the amounts spent in the last two or three years. In 1928-29 the amount spent on Public Works Extraordinary was £1,454,330; in the current year it is £912,914, and next year it will be £386,000 odd, which shows that only about one quarter of the amount is to be spent next year that was spent two years ago. That of course sounds very drastic, but you cannot have your cake and eat it too. If you have not got the money, it is no good imagining you have and spending it. I may say as regards the Public Works estimates, and in fact estimates generally, the Heads of Departments have met us very well indeed. They have, I think, realised that economy is definitely called for, not only because the Council called for it, but because reasonable economy is always called for, and they realised that Nigeria was passing through rather a bad time and that the outlook was not too bright, and that therefore the Government was bound to take all these matters into consideration, and frame its budget accordingly.

As regards Public Works Extraordinary, you are probably aware that the items that appear there are never initiated or suggested by the Central Government. They are entirely the product of negotiations and arrangements between Lieutenant-Governor and Heads of Department *inter se*. The only reservation is that if any piece of work is estimated to cost in total more than £10,000, it has to obtain the prior approval of the Government.

I do not propose to go into the items of each Department, but there are one or two paragraphs in the Memorandum to which I will draw your attention. The first appears on page 2, paragraph 6. The Secretary of State has pointed out that we should not show amounts spent for the benefit of the Railway as reimbursements. You will remember that previously, if the Posts and Telegraphs did work for the Railway, they drew a line under their expenditure, and then added "reimbursements by the Railway" so much, thus showing a less amount than they had actually spent. The Secretary of State has decided that whatever the Posts and Telegraphs or any other Department spends on the Railway, should be shown in the Expenditure. On the other hand, reimbursements now appear as an item of revenue. As a result the Estimates of Revenue and Expenditure have had to be increased this year to some extent by making provision for receipts

from the Railway as revenue, and for expenditure under different departmental Heads for services to the Railway, so that you must take that into consideration if you wish to compare the figures with last year's, where the reimbursements from the Railway were deducted from recurrent expenditure. That is mentioned in paragraph 6, and I have drawn attention to it primarily because if we had not shown reimbursements this year, our figures on paper would have been lower than they now appear.

If you will turn to paragraph 12, you will see mentioned there the principal increases in recurrent expenditure: Education, £34,000; Laboratory Services, £14,000; Public Works Recurrent, £14,000; but I also go on to mention the two principal decreases: Public Works Extraordinary and Railway Capital Works show a decrease of £609,000 and £101,000 respectively. Other decreases in round figures are Harbour Department, £19,000; Medical, £19,000; Medical Health Service, £20,000; Posts and Telegraphs, £21,000; Public Works, £10,000; and Surveys, £12,000; so that you will see there have been substantial and real reductions in the various Departments.

As regards the increase in Education, I will refer you to paragraphs 104 onwards in the Memorandum, which show how that arises.

With regard to the Laboratory Services, this is not a true increase because it is merely taken from what was included under the Medical Department last year, and is shown this year as a separate item.

In the Public Works Recurrent there is a very large item of increase which cannot be avoided: I refer to the maintenance of roads. Members know full well that there has been a vigorous road programme during the last three or four years, with the result that there has been an addition of from three to four hundred miles each year. These roads have been well made and now naturally must be well maintained, so they must have a great deal of money spent on them. This necessitates a staff of European supervisors and a constant supply of material, for it is false economy to allow roads to get out of repair. When Your Excellency returned from leave, I took an early opportunity of putting the position before you and you entirely approved of the suggestion that a balanced budget should be the thing to work for, and we have done so. It is the first time for some years that we have been able to manage it, and I hope Honourable Members will be satisfied. I have no the slightest doubt that there are many points on which you will wish to make inquiries, and if you will do so in your speeches on the second reading, or in Finance Committee, the Treasurer and I will do our best to answer them.

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

The Hon. the Treasurer:—

I beg to second the motion.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—

Your Excellency, I have not much to say on the second reading of the Finance Bill for the reason mostly that, after a good many years in the Council, I have come more and more to the conclusion that the more useful time to say things, and the more satisfactory time to say things, and the best way to get satisfaction is in the Committee stage when we sit round the table and deal with departmental estimates one by one, with the very friendly and sympathetic help which we have grown accustomed to from Heads of Departments.

There are, however, Sir, one or two things of a general nature which I should like to say at this stage. In the first place I heartily concur with the policy which the Honourable the Chief Secretary and the Honourable the Treasurer have decided upon in bringing before us a balanced budget at this time. I think, particularly having regard to the fact that our loan is about to be floated, it is a very good thing that the people responsible for the floating of that loan should be able to point to the very satisfactory estimated budget which has just been laid before this House. The change from a loss on the yearly working of nearly £700,000 to a surplus of nearly £6,000 is a very striking one, and while welcoming that, I do not wish to suggest that I have withdrawn in any

way from what I have always said, that we must have confidence in Nigeria and that we must develop it to the fullest possible extent. This figure of £6,000, having regard to previous experience of how budgets in this country work out, will, I think, in all probability be more than £6,000, as we have always found in arriving at the final result of the budget that the financial advisers of the Government have erred on the side of pessimism in framing it. I heartily concur with that attitude of pessimism and I think that we are justified in hoping that the same attitude has been adopted in framing the budget for the ensuing year.

The Honourable the Chief Secretary in referring to the fact that previous estimated deficits have always or generally turned out to be less, used the expression that we had "made up" so much, but, so far as my recollection goes, it was not that we had made up anything on the year's working, but that to a large extent the programme had been too ambitious and we have therefore been unable to carry out the contemplated programme of expenditure. I think that one of the things which may have assisted in giving us a budget with a small surplus balance this year is that the necessity for that exaggerated provision, particularly am I referring to Public Works Extraordinary, is no longer so necessary in view of the new system under which these estimates are drawn up.

There is another matter to which I should like to refer, representing as I do a constituency outside Lagos. We generally find at these meetings—I was not at the last meeting but I see from the Debates that it was no exception—that it is constantly impressed upon us that Lagos is the most important port in Nigeria, that it is essential that Lagos should be kept the most up-to-date port, that it should be kept in the healthiest possible condition, and that it is to the benefit of Nigeria generally that that should be done. With that attitude, Sir, I agree, but subject to a limitation. Lagos and the requirements of Lagos are not the only requirements of Nigeria, and it is not to be forgotten that, on account of the enormous sums of capital which have been spent in making Lagos this important port, it has had a real effect on the land values of Lagos. People who come from the Provinces are just inclined to ask whether the people in Lagos, who have benefited so much by the expenditure of Nigeria's money, are paying their proper share for the municipal facilities which Lagos is getting. Nothing could be more of a municipal nature than your water sewage scheme for Lagos. It is a gigantic scheme and very costly, and I think that in the interests of those people in Nigeria who bear their share of taxation and yet do not live in Lagos, that a certain amount of security is necessary as to whether this purely local benefit, which is going to increase the value of property in Lagos still further, is being in a proper proportion charged to the people who are benefiting by it.

While I am dealing with that suggestion, might I refer to what is happening in regard to direct taxation in the provinces, particularly in the Calabar Province. In this province I think I am right in saying that the complete success which attended the introduction of direct taxation was largely due to the assurances which were given by Administrative Officers and accepted by the people, that this was not money that was to be taken away to Lagos, but it was something definite, and the money was to be spent locally, the benefits of which would be seen and appreciated by the people who paid the tax locally. I think I am right in saying, Sir—I have no doubt I shall be corrected if I am wrong—that where 7s. is paid by an individual as direct tax in Calabar Province, less than 2s. 6d. of that sum is really spent locally. I think I am within the mark in saying that, the reason being that the whole expense of collection is borne by the Province, and a proportion of the total is taken to the central revenue, so that the result of this is that every local taxpayer who pays 7s., sees less than 2s. 6d. worth of benefit in his own locality. I think, Sir, it is worth considering whether that policy cannot be readjusted even if the services, the cost of which are borne by central revenue, are to a certain extent made the responsibility of the local administration. I think there is a certain amount of discontent among the people who pay tax for that reason for they feel that the promises which were made to them at the time of the initiation of this tax, are not being kept.

There is another matter of a general nature, Sir, in regard to which I have some misgivings, and that is the financial position as regards Nigeria of the Mandated Territory of the Cameroons. There was a time some few years ago when in our budget was

shown separately what it cost us to run this mandated territory, and when such was the position, for a number of consecutive years, the figure which it cost Nigeria kept rising to what I considered an alarming extent. I drew attention to it, and I think at that time—although I am simply trusting to my memory—the amount was in the neighbourhood of £76,000 a year which we lost over this mandated territory. Well, Sir, I do not know if I was indiscreet to draw attention to it when I did, but since then the separate account of the mandated territory has completely disappeared from our budget, and I am left with a kind of feeling that that figure which, even when it was shown was increasing year by year, is still an increasing liability of the Government, although it is not now separately shown in the Estimates. I simply mention that and if any enlightenment on the subject can be given to this Council I think it would be of considerable interest.

I was glad to notice in the Memorandum on the Estimates that it was emphasised that considerable reductions had been effected in the Recurrent Expenditure of the Nigerian Government, but having regard to similar reductions which, owing to depression in trade and so on, have been effected in commercial firms, and the rigid, stringent economy which most firms in this country have found essential, I am not altogether impressed by the amount of reduction in the Recurrent Expenditure to which the Honourable the Chief Secretary was able to draw our attention. It is quite true the budget is being balanced, but one is left with a sort of suspicion that in Government Departments there is not being exercised such a ruthless economy as has been found necessary in commercial enterprises.

There is one other matter which only by a very indirect process of reasoning can really be said to be relevant to the budget before the House, but we are accustomed to use this opportunity for dealing with anything of general importance to Nigeria, and I should like therefore to mention the existence of a feud—if one may use such a word for it—between two large combines upon the activities of which Nigeria largely depends for many things in connection with her prosperity. I refer of course to the feud between the combined Shipping Lines and the United Africa Company. I know, Sir, that we are not concerned with the details of that feud, but I think that it is proper to mention it in this Council from this point of view, that it would be a very serious thing for the prosperity and trade of Nigeria, if Nigeria and her trade were to become a pawn in a competition or feud of this kind. Where you have a feud between combines of that kind you may get reduced prices, but they will only be artificially-reduced prices, for the view to reduction is not an economic one, nor a lasting one, and if it is only an incident in the tactics between two combines of that kind, it is apt to lead to very unfortunate results when, owing to the settlement of the feud, this artificial lowering of prices and freights is withdrawn. That, Sir, is all I propose to say on the question. I think it is one which, although outside the ordinary ambit of this Council's work, is one which is vital to the interests of Nigeria.

**The Hon. the Mining Member (Mr. A. L. Butler):—**

Your Excellency, after the very fine speech made by the Honourable the Commercial Member for Calabar, I feel a certain amount of diffidence in following him. I realise, of course, that practice makes perfect, so I will endeavour to do my best, hoping that in course of time I shall be able to make such a speech as he made.

I feel rather lost at this Session of Council because I have lost my chief supporter from the north—the late Commercial Member for Kano, Mr. J. W. Speer. I always felt he was a prop I could lean upon in helping me to fight solidly for the north. I am certain the new Commercial Member for Kano will help me in the same way.

It is extremely pleasant to see that, in spite of the pessimism that went round last year, largely due to the bad state of trade, the state of the country has turned out very well indeed. The exports in nearly every case are, I believe, a record, and this in spite of the bad time that the world seems to be going through as regards business generally.

There are a few points I wish to comment on, Sir, if I may, in your Address to the Legislative Council, which indirectly deal with finance. The first thing that struck me was the town planning of



Lagos. I have been rather nervous about the town planning, because it seemed to me that so much money was going to be spent in making boulevards and a sea frontage, but I took the trouble last time I was down to go to the office of the Commissioner of Lands, and I came away much more satisfied than when I went in. Every attention was given me and I was allowed to see the scheme of town planning, which gave me a better idea of how the money is going to be spent.

The next thing I should like to mention is in regard to the Medical Service. It is pleasing to see that provision is being made for an increase in, and remodelling of, existing infectious diseases hospitals. This is a most necessary provision, as at the present time in many places I am afraid the infectious diseases hospital is a place to which patients do not want to go. I can speak from experience that, Sir, as in Jos, my own part of Nigeria, I was told by the Director of the Medical Service that they are doing everything they possibly can to make the infectious diseases hospitals better, so that they will be places to which people suffering from any infectious disease will want to go. At present it must be admitted that they prefer to go to bush.

It is also pleasant to see that the Medical Department have increased their staff and are now going ahead with the institution of bush dispensaries, as one may call them, and I am glad to see that an Assistant Director of the Medical Service has been earmarked to supervise the training of staff, and to start the dispensaries working. That, I think, is going to be a big step forward. In the same way I am glad to see that grants have been made to missionary societies to assist in the development of medical facilities. I happened to be able to visit one of these missionary hospitals and I had an opportunity to see the wonderful work which is being done there, and I expect it is the same in every one. It has grown out of nothing; there are very few funds, and what struck me was that the place was overcrowded, and as soon as one bed was vacant, there were five or six other people waiting to occupy it. Fine work is also being done in connection with maternity and child welfare, which of course, are the very things the Medical Department should look to. The wastage of child life in Nigeria has been ghastly, and it is very encouraging to see that such care and attention is being paid now to this matter, and I think the figures speak for themselves. Actually in Lagos, the child mortality rate has decreased from 238.2 per thousand in 1925 to 138.3 per thousand in 1928. This is just a start on what will have to be done throughout Nigeria in course of time. The only fly in the ointment seems to be that with such a wonderful increase in the population, Native Courts will have to work very much harder.

As regards the mining industry there is little to say except that in spite of the lower price of tin, a record output has been obtained. Also the new electric scheme which will generate from 6 to 8,000 h.p., eventually will be working in about another two months' time, and probably by June will be developing from 4 to 5,000 h.p.

Finally I wish to speak about the work of the Veterinary Department. On the one hand the Medical Department is working to save the lives of human beings, and on the other hand the Veterinary Department is working to save the lives of the stock of this country. The figures shown by the work of this Department are just as wonderful and encouraging as the figures shown by the Medical Department, and it is pleasant to see that in both these Departments the Government has been able to allow an increase in staff. I consider that the money allocated for these increases is money exceptionally well spent.

**The Hon. the Banking Member (Mr. L. M. Herapath):—**

Your Excellency, I would have preferred, in spite of the statement made by the Honourable Chief Secretary that it was more convenient for the debate to be held before the Committee Stage of the Bill, that we should have been given an opportunity to debate the Bill after the Committee Stage, for this reason. As Your Excellency is aware, in the past we have heard many complaints from Unofficial Members of insufficient time having been given to them in which to study the details of the Estimates, and it struck me this morning that it might have taken that excuse entirely away from Unofficial Members if they had at least the opportunity of going through the Estimates item by item before

debating the Finance Bill. One result is that many of us feel that any talking we may have to do, we would prefer to do in the Committee stage. All that I propose to do now, therefore, is to make a few general observations on the budget as it stands.

In the first place, Sir, I should like to congratulate the Honourable the Chief Secretary and the Treasurer for the astute manner in which they have balanced their budget. The Honourable the Commercial Member for Calabar is, I think, a little optimistic when he says he thinks that the estimated surplus of from £5,000 to £6,000 is going to be increased. I have a feeling that before very long we are going to receive a bill in connection with these unfortunate disturbances in the Eastern Provinces, which was not contemplated when the budget was framed. I feel also that there is optimism shown as to the state of trade and the apparent abundant prosperity, because I feel that an increase in our exports is not likely to be justified. On page 14 of Your Excellency's Address under the head "Customs" appear these words: "In spite of the universal and continuous cry of stagnation of trade the figures for the past year compare very favourably with those of former years", and you give there the value of the trade, excluding specie, from the point of view of the Honourable the Comptroller of Customs' Department. Those figures, Sir, are valueless so far as the commercial world is concerned, because as far as exports are concerned they represent the declared value and not the actual value as paid to the producers in Nigeria. If I might take the four headings of our main exports, palm oil, kernels, cocoa and groundnuts for the years 1927, 1928 and 1929 on the actual local market values as far as they are ascertainable—and I may say we go to some pains to ascertain a fair average local market value for each of these commodities from time to time—the value of these four products in the year 1927 amounted roughly to nine and a half million pounds. Those nine and a half million pounds represented 60.5 per cent. or a little over half of the total declared values of exports exclusive of specie during that year. In 1928 the value of those four commodities over the same period amounted to ten and a quarter million pounds, and represented sixty per cent. of the declared value of exports during the year. In 1929 in spite of the increase in exports and tonnage, the total value locally to the African, that is to say the money which has been spent in the country, amounts to less than nine and a half millions and represents only fifty-three per cent. of the total declared value of our exports, thus the amount of money which has been freed in this country in 1929 is less than the amount freed in the country in 1927 by some £23,000 and less than the amount freed in the country in 1928 by some £73,000. This means that the purchasing power of the African who pays the tax and supplies the produce on which the country depends, has been reduced by three-quarters of a million pounds in the value of his products alone. It is on that point, Sir, and it is a point which I think is worthy of consideration, that I feel I must differ a little from the optimism of the Honourable the Commercial Member for Calabar, and also, if I may call it such, from the optimism of the Honourable the Chief Secretary.

There are other ways in which we may look at this budget. The Honourable the Chief Secretary to the Government has pointed out that, acting on instructions from the Secretary of State, a different system of accountancy has been introduced in respect of reimbursements from the Railway. With due respect I submit that is a little hard on the Heads of Departments concerned, who themselves have their own private budgets, which will in future show a slightly heavier deficit than they have done hitherto.

The Honourable the Chief Secretary also pointed out for our attention the increase in recurrent expenditure of some £63,000, and decreases amounting to many times that amount in expenditure on Public Works Extraordinary, Railway Capital Works, Harbour Department, Medical Department, Medical Health Service and so on, but no mention is made as to whether any of these reductions is in recurrent expenditure or not. On page 13 of the Memorandum under the Head "Education", paragraph 105, it is pointed out that there is a net increase of recurrent expenditure of £34,000, and the total estimated expenditure on education in 1930-31 is more than six times that for the year 1919. In twelve years, therefore, the total estimated expenditure on education has increased by, 600 per cent.

On page 29 of the Memorandum under the Head "Pensions and Gratuities" it is pointed out to us that in fifteen years' time it is estimated that the net amount payable on account of pensions and gratuities will be doubled. If our expenditure is to be doubled along these lines in fifteen years, Sir, I would point out a very obvious fact which is that our trade should be doubled and our revenue should be doubled if we are going to leave Nigeria in fifteen years' time in exactly the same financial position as she is in to-day.

On page 2 of the Estimates themselves there is a summary of Revenue and Expenditure from 1914 to 1929. The total revenue received during that period amounts to 85½ million pounds, exclusive of £425,000 received as Grants-in-aid up to the year 1918. The total expenditure in that same period amounts to some £90,378,000, so that in other words since 1914 we have over-spent ourselves by some £5,000,000. I am not suggesting, of course, that that over-spending is entirely wrong, but what I would like to point out is that our ordinary recurrent expenditure is going ahead by leaps and bounds. Since the year 1921-22 our total revenue has been £56,885,000, and our ordinary recurrent expenditure in that year nearly £46½ millions. In other words we have a balance of £10,000,000 which, with the other £5,000,000 over-spent, means that £15,000,000 have been spent on Special and Extraordinary Expenditure, and so on. How much of that is definitely reproductive as far as the country is concerned? A great deal of special and ordinary expenditure is entirely non-productive of revenue, but how much of it is so, it is impossible to say. I mention these facts, Sir, for one reason, and that is, that I wish to press home as hard as I can the lesson of economy which has been learned by the Administration in the past twelve months and to insist that we have by no means come to the end of the economies that should be effected if we are desirous of placing Nigeria on the strongest possible financial foundation.

**The Hon. the Third Lagos Member (Mr. T. A. Doherty):—**

Your Excellency, this Council, as well as the whole of the local Press, has called the attention of Government to what they call "squandermania", and the Government, I am pleased to note has taken heed and in the budget now presented to the House has shown to us their attempts at making economies.

I notice that in the Memorandum on the Estimates page 4, paragraph 12, the largest increases are under Education, Laboratory Services and Public Works Recurrent, and the principal decreases are under Public Works Extraordinary, Railway Capital Works, Harbour Department, Medical, Medical Health Service, Posts and Telegraphs, Public Works Department, and Surveys.

As regards the increase under Education, we could never object to any amount of money being spent on education which is vitally important to our people. Under the heading of "Laboratory Services" there is a net increase of £14,329 which, I see, is a special provision for Pathologists and technical assistants. The increase in Public Works Recurrent is due to the new system of accountancy only, I notice.

Then, Sir, I come to the decreases. The question is are these decreases real, and are they permanent? Are they of such a nature that they could very well be made without interfering with the efficiency of the different departments? I would prefer to have replies to the several points I am raising from the different Heads of Departments, as these Estimates are put before us and all we have to do is to express our opinion on them and accept their explanations.

Under Public Works Extraordinary and Railway Capital Works there is a decrease of £710,000, which appears to be an enormous cut, and we will hope that this enormous decrease will not interfere with the ordinary and expected improvements and requirements of the country. In the Harbour Department, I notice there is an estimated decrease of £18,948. On going through the Estimates I notice that there is a decrease under the item "Labour" to the tune of £15,915, and we shall expect to hear from the Director of the Harbour Department whether this Department can carry on efficiently in spite of this economy.

The next item is Medical where there is a decrease in expenditure of £19,575. I notice there is no real difference here, and that it is only a matter of shifting from one head to another, because salaries amounting to £10,000 for Medical Officers and £5,000 for Pathologists are two minor decreases which, I am of the opinion, have been transferred from the Medical to the Laboratory Services: at least they appear under this Head, so that there is no material decrease there.

In the Posts and Telegraphs Department, there is a decrease of £21,092. From the question of one Honourable Member, it would appear that the country is still in need of extensions in regard to Posts and Telegraphs. I have no doubt the Honourable Postmaster-General will be able to satisfy us that he can manage very well in spite of this enormous decrease.

In the Public Works Department there is a total decrease of £10,160 under various items, and under Surveys there is a decrease of £12,118. This I notice, however, is no decrease at all and is only a reduction in the amount estimated for the Royal Engineers Geographical Survey.

On the whole we must congratulate the Government that they have taken notice of our call as regards the need for economy, and have reduced the expenditure by such a huge amount of money. I hope that we shall not be called upon shortly to pass many Supplementary Estimates.

I have to congratulate the several departments for the reports on the year's work which are very satisfactory indeed. I could not possibly go through every report, but I have gone through a good few, and I heartily congratulate the different Heads of Department on their efforts to do their duty to the best of their ability.

The only Department I should like to comment upon is the Agricultural Department. Agriculture, as we all know, affects the life of the people, and the wealth of the country is based on it. I think the Director of Agriculture would do us further service by introducing to this country plants of commercial value. At present we have only cocoa, palm oil, kernels, and groundnuts in the Northern Provinces, and I was wondering whether it would not be possible thoroughly to investigate the possibility of growing tobacco as a commercial proposition, and also perhaps sisal, hemp and other plants which might be useful.

**The Hon. the Member Representing the Niger African Traders (Mr. S. C. Obianwu):—**

Your Excellency, I have but very little to say as regards the budget. I must, however, congratulate the Honourable the Chief Secretary and the Honourable the Treasurer for the way in which they have presented the draft Estimates to us this time. I think I am right in saying that on this occasion we had copies of the Estimates about two weeks before the opening of the Council meeting, and I think that must have entailed a great deal of extra work on their part.

There is only one item I want to speak on, Sir, and although it may seem very insignificant to some Honourable Members here, yet to my mind I think it is important to consider it. I refer to an item of revenue which appears on page 4 of the Estimates, item 9—Direct Taxes. In 1928-29 it was £822,694, and in the draft Estimates under consideration it is £834,700, an increase on last year of £46,602. In this connection I wish to refer to a question I put yesterday, question No. 3, to which I received the following answer:—

“Boys of not less than sixteen years of age are liable to pay tax whether they are attending school or not.”

Now, Sir, I do not know what the conditions are in Lagos, but out in the Provinces the levying of a tax on school boys means hardship either to his parents or to his guardians. A school boy has no income whatever. His parents or his guardians pay his school fees, and pay for his maintenance and clothing, and in fact pay all his general expenses. If then the boy is required to pay tax, it would mean that the parent or guardian would have to pay double tax, his own and that of his child or ward. I therefore think that whether a school boy is sixteen years old or older, since he is not earning any income, he should not be made to pay tax. The matter may seem insignificant, but I come from a place where

some of the people are in a poor position and where this comes as a hardship to them, and I have no hesitation in saying that I think it is the duty of the Government and Your Excellency to consider this point and see that the rules for exemption are revised in order to include school boys of all ages.

I think exemption should also apply, Sir, to old men, people who cannot work, people who are dependent on others for support. I understand that the reason for taxation is not to make revenue, but that it is being enforced as a matter of principle, therefore as the revenue is increasing and not decreasing, I see no reason why Government should not reconsider these exemptions.

There is one little matter of a general nature I wish to mention and that is about the Commission which Your Excellency has been pleased to appoint to enquire into the disturbances in the Owerri and Calabar Provinces. To my mind there is only one omission in regard to which we have any complaint, and that is that not one Ibo man has been appointed as a member.

His Excellency:—

I have taken note of that point, and I must remind the Honourable Member that this is a discussion on the budget.

The Hon. the Member Representing the Niger African Traders (Mr. S. C. Obianwu):—

I beg Your Excellency's pardon. That is all I have to say, Sir.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):—

Sir, I should just like to say that I wish to associate myself with the Honourable the Banking Member, that is to say I am not so elated, as evidently I am expected to be, on being told that this year we are not going to spend any more than it is expected we shall receive. What I should like to see is a very serious attempt made to grapple with the problems of recurrent expenditure. It seems to me that until that snowball of recurrent expenditure is checked, our position cannot be really sound.

The Hon. the Commercial Member for Kano (Provisional) (Mr. T. Hepburn):—

Your Excellency, after the very able speeches of all Unofficial Members I do not think there is much left for a Provisional Member and a first offender like myself to say. The Mining Member made a remark to the effect that he missed his right hand man, the Honourable J. W. Speer, but I can assure the Honourable Member he still has the support of the Provisional Member for Kano, more especially in regard to his remarks on the Medical and Veterinary Departments.

Speaking for Kano, as you will see from His Excellency's speech, they have opened a new native hospital inside Kano City which, I understand, is doing remarkably well, and of which advantage is being taken.

As regards the Veterinary Department, as you all know, after the groundnuts season is finished, Kano depends on her hides and skins, and any money spent on the Veterinary Department is, I consider, money well spent. The same remarks apply to the Agricultural Department.

The new European Hospital in Kano unfortunately is not yet open, but I understand it may be towards the end of May.

Regarding the water and electric light schemes, once these are established I think Kano will be the envy of every place in Nigeria.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—

Your Excellency, I am not quite sure of the attitude adopted towards this debate. When you laid your Address to Council on the table, I am not sure that that was not the opportunity to take to debate upon it. I should like a ruling as to whether we are out of order in referring to your Address in the debate on the Estimates.

His Excellency:—

I will give the Honourable Member reasonable latitude.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.C.):—

Your Excellency and gentlemen. I once saw a picture in London depicting a scene after the Franco-German War of 1870, where the husband of the house was introducing his family to "My friend the enemy", that is to say, to a German.

I congratulate the Third Lagos Member in congratulating Government, and I am glad that he has followed in the footsteps of the first original member for Lagos. We all knew how hot he was on the heels of Government and the last speech he made here, Sir, was that he saw dimly before him, but he saw light when he took the part of Government.

I am no expert at figures, Sir, but I can see, on reading through these Estimates very carefully, the immense amount of labour put into the work, the careful thought and consideration which it involved, and I can come to no other conclusion but to congratulate Government and those who have drawn up the Estimates especially. I have always said in this Council and elsewhere that we in Nigeria must move slowly. I do not mean by that that we are to become stagnant. We must take our chances and there are some items on the Estimates that Government cannot reduce or lawfully curtail without putting Nigeria back for some years. This is where the item "Recurrent Expenditure" must come in.

Before I go further I should like to make a small criticism, especially in regard to the Members who represent Lagos. Lagos is not Nigeria, and when they speak in terms of Lagos it must not be thought they are speaking in terms of Nigeria, and when Members say they are speaking for a community, I should prefer that they should confine themselves to that as being their own domain.

... the programme of the

are able to afford it. The death rate in Lagos is an appalling, and if it continues at this rate I do not know whether you will find any Lagos-born boy here in twenty years' time. I congratulate the Medical Department on the work they have done.

I am pleased to note in your Address, Your Excellency, your reference to Miss McCotter. I am afraid her work in Abeokuta is not sufficiently appreciated, but I can assure you, Sir, that those who go to her for treatment appreciate the work that is being done for them, and I should like to see close co-operation existing between the Honourable the Director of Education and the Honourable the Director of the Medical Service. An effort to evolve a system whereby the older girls in the schools, say for instance in Abeokuta, might go for an hour or two weekly to be taught by Miss McCotter in child welfare work, so that they might take what they learn to their own homes and eventually treat their own boys and girls in the same way as Miss McCotter is treating the people who go to her. Let me carry that suggestion a little further, Sir, for it is no use taking half measures, the thing must be done thoroughly. I should like it to be made compulsory that one or two hours a week should be spent on this part of the girls' education in Abeokuta. I know we are doing our best in Lagos, but this would be a little beginning in another centre towards attaining what I feel sure, Sir, you have at heart and that is to curtail and check this appalling child mortality rate.

That brings me to something that occurred recently in Lagos, and that is the stupid, shall I call it wicked, rumours spread about as to the treatment of girls at Queen's College. It makes one's blood boil to think that Africans, if we call ourselves educated at all, should be so foolish. Medical examination was compulsory in the schools years and years ago in Germany, and it is compulsory in England to-day. What happened as the result of the examination at Queen's College? A young girl, whom no one suspected of having defective sight, was told by the doctor that if she did not go carefully she would lose her sight in a few months' time. This girl is a niece of my wife, and we had no idea she was in that England

With regard to education, Sir, what I call suitable education, I think the time must come when a definite policy should be initiated. I suggest, Sir, that education should make the boy a fit member of the society in which he lives. I would suggest that education to-day does not make the boy or girl, when they leave school, of use and value to their parents and home, otherwise parents would not have so many boys trained in Lagos who do not know what to do after they leave school. There must be a definite policy on the part of Government intended to carry out this question of suitable education. When I refer to education, naturally the Agricultural Department looms before me. In February last I was engaged at the Assizes at Ibadan, and whilst there, I took the opportunity of visiting Moor Plantation, unknown. I roamed about for nearly two hours, and I was astounded at the work being done there, particularly in regard to the area planted in palm trees. I made a note of it. In August last I spent my holidays at Alake Ota, and I had an opportunity of speaking to the Alake about farming. I am not an alarmist, Sir, but sometimes I do feel a bit anxious. I do feel that the Europeans who have come to Nigeria are not here to spend thousands and millions of pounds without getting some return. It is not human nature. I told the Alake so, and said that if he did not make his young men work on the farms and plant properly, some day they would be made to do it, and I suggested the best thing he could do was to

impressed upon him that he should send these young men to Ibadan to see what they have done there, and see the methods that are in use there. I am glad to say he has done that.

You do not refer to native administration in your Address, Sir, but inasmuch as some of the revenue is to be devoted to that, may I just make a brief comment. I should like Honourable Members to make a sharp difference between native administration as we know it in the North, and native administration as we know it in the South. It is quite true and I agree with the Lieutenant-Governors that we have to make mistakes; we have to go slowly, and it is wrong to say that we have no native administration that can be justified by that name. We have got to make a beginning. It is common knowledge that there are injustices in the work of the native administrations in Southern Nigeria, but these can be checked by the executive authority. We should be foolish to compare the system in the South with the native administrations in the North where their own system is born and bred in them. I have been there and I have seen them working, and they carry on their work in just the same way as the work in the Supreme Court is carried on, except that those who preside in the Native Courts in the North are black and those who carry on the work in the Supreme Court are white. It is at present quite different in the South, and I hope, Sir, when you are considering this matter, you will devise some way in which to safeguard the interests of the natives there. There is no doubt about it, the native judges there are not sufficiently watched, and there is no appeal from their decisions.

Lastly, Sir, I wish to thank Your Excellency and your advisers for the careful way in which these Estimates have been drawn up. I have looked through them very carefully, and I could see nothing that might be cut down. I must confess I was shaking in my shoes when I came here yesterday for fear of some sudden taxation ordinance being placed before us for raising duties in

a little  
I congratulate you, Sir.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

Your Excellency, so much has been said on the question of your Address and on the Estimates that I feel I must rise to associate myself with the remarks which have fallen from the lips of those who have spoken before me. I was rather surprised to hear this morning of the peculiar way in which we were asked to debate on the Estimates and on the Address, since in my fifteen years' experience of this Council, Honourable Members have had the privilege of

waiting until the Estimates had passed through Committee before criticising or making remarks upon them. However the system is now changed and I hope it is for a good reason.

I personally feel that it has not been compiled without much personal sacrifice of time and effort. I have only one or two points to which I wish to refer, because, after all you have heard so much from those who are expert in figures and finance that I can only support their statements.

I cannot understand, Your Excellency, the mystery that surrounds the town planning scheme. This scheme has been brewing for ever so long, but we have not yet been able to find out what exactly are the principal plans upon which the Commissioner of Lands is building up his town planning scheme. The result is that the prices of properties in Lagos have fallen very much, on account of the apprehension that people feel when they do not know where the Town Planning Board will commence expropriating land for roads, or what part of the town will be left for commercial purposes. I think it is time we should be told where we are as regards this matter, because after all the interests of investors have to be considered, and the interests of those who have property should not be overlooked.

Another point I should like to refer to is that, when I went last to Abeokuta, the people there had the idea that registration of deeds could not be done in Abeokuta but that deeds and plans would have to be registered in Lagos. I do not know of what use that would be to the Commissioner of Lands or to the Development Board because, after all, it is a question of reference, and they could only be of use to the people who are at Abeokuta. I do not know whether the Commissioner of Lands thinks it would be better to have all deeds and plans registered in Lagos, but I think it would be undertaking an unnecessary amount of heavy work in the Department. Perhaps he will take an opportunity to look into the system of registration at his convenience.

Another point I would like to call your attention to is that Your Excellency in describing the great work in connection with maternity and child welfare, referred to Miss McCotter, and I am glad that my honourable friend, Sir Kitoyi Ajasa, has referred to the work of that particular lady here this morning. Your Excellency and Honourable Member cannot imagine the heavy

work of our health visitors and one voluntary worker she has attended over 4,000 cases a month. I think, Sir, this is very commendable work, and I am glad attention has been drawn to it by Your Excellency's remarks. The only comment I would make is that the work has been carried on solely by the native administration, and perhaps it might appeal to the Government to give a little support in the way of additional staff, etc.

In Your Excellency's speech I notice there is a reference to the Preventive Service. I venture to point out again that the Preventive Service is not as strong as it should be and smuggling is being carried on at a very high rate though officers are doing the best they can. However, there is much more work for them to do, especially when one considers the amount of money that is being spent on this service. The Preventive Service requires far more attention in the interests of the commercial community than is being given to it at the present time.

I would like to refer, Sir, to the fact that when I was first in business some forty years ago, ivory used to be a valuable export from this country. What is the position in the country now though? Not one single tusk of ivory is exported, and some four or five years ago I had to take the trouble to import tusks from London. What is becoming of the ivory that is being confiscated here? We have all heard reports of tusks of ivory being confiscated going over the border and I am afraid that our neighbours are doing far more trade in ivory than we are doing. As a matter of fact we are doing nothing and we are losing revenue thereby. Perhaps Government might look into this question and find out what is happening to the ivory. I cannot say more on the matter, but I should like to leave it in Your Excellency's hands.



According to the Estimates, Sir, £4,000 has been earmarked for opening and maintenance of waterways, that is to say in clearing creeks. Out of that amount the Director of Marine has given his attention to clearing creeks at Port Harcourt, and in other places as the Ibu River, and Patani Creek, Aseh Creek, Ogba Creek, and other less important creeks. There is, however, one creek near us here, which, I suppose on account of its proximity, has been overlooked. I refer to the Agboyi Creek of the Ogun River, where in some places canoes bringing produce from Abeokuta cannot find a depth of three inches of water, and they have to try to create channels for themselves, and sometimes it takes from ten to fifteen days of hard going to bring produce into Lagos. In a community like this why should such a thing be allowed? After all roads and waterways are indications of civilisation, and if we have come to such a state of affairs that our waterways are blocked up whilst we have money for other purposes, I do not know what to think. I trust Government will see their way to giving this matter their close attention.

The question of tenders was referred to by an Honourable Member here and of course he referred particularly to Public Works. I should have thought he would have included the Railway because that is where we have a lot of trouble about tenders. The Public Works Department is quite different from the Railway in the matter of tenders. When the Railway want buildings or materials they do not go into the questions of qualifications of contractors, and there is no limitation as to time, and I do not know why that should be allowed in such an important establishment of the Government. I do not think the Public Works Department are quite as great sinners in this respect.

Last Session I brought up the question of pensions and I was practically told that I was too pessimistic. The Treasurer himself was quite optimistic about the position of affairs. Pensions have increased again this year, and I do not know how he has computed the figure of half a million pounds as the pensions bill of Nigeria in fifteen years' time. This year our pensions bill comes to £350,000, so that if it increases at the present rate of from six to seven thousand pounds a year, in fifteen years' time we shall be spending nearer a million pounds than £500,000. I quite realise that the Honourable Treasurer is an expert in figures, but I should like to know how he works it out because I feel apprehensive about the matter. If we go on giving pensions to able-bodied officers who are simply retired on account of having reached the age limit or on account of their time being up, what will our position be? Scientists tell us that there is an increasing expectation of life, so that you will find officers will be pensioned off with years of life before them, and I feel sure that we shall be nearer the mark if we say our pensions bill will work out at something nearer one million pounds than £500,000. Of course I am open to correction in this matter.

Next, Sir, there is the question of trunk telephones and in this respect I should like to thank Government for what they have done. This service is very helpful to us, indeed, and we can now telephone from here to Abeokuta and so save much time. I certainly think we are getting on splendidly in that respect, but what struck me was that, if the telephone service is turning out so well, the Postmaster-General might consider that the time has arisen when the charges on telephones might be reduced. The Postmaster-General has been able to show that there has been an increase in telephone revenue, and this year it is estimated at £11,000 as against £9,563 in 1928. This is an argument in favour of the contention I made some time ago when I asked why the Postmaster-General should be afraid that, if he reduced the charges on telephones, there would be a loss to revenue? On the other hand I think it would be more business-like to reduce the charges and so get more subscribers than to keep the rates high, and have a small number of subscribers. From what I have seen of the Postmaster-General I think he is a strong business man and I therefore recommend that he should give this matter his particular attention.

Next, Sir, there is the question of palm oil. The Director of Agriculture seems to be doing very well, but there is one thing I do not know. We all know that the quality of our palm oil here to-day is inferior to the quality of palm oil coming from other places, and in the market in New York to-day, you will find that the Lagos quality of oil is not asked for. If these eastern planters

have been able to establish such a strong market within the last few years, what will be the result in a few years' time? It is said that the oil turned out by the presses is inferior, so you will find you cannot go on like that, for it means that money is being lost to the revenue of the country.

Yesterday reference was made by one of my honourable friends to a system that we have in Abeokuta called the "Dipomu", I do not quite know why he was worrying about it, and I do not think he quite understands what is meant by the term "Dipomu". This system, Sir, is one that has been in existence ever so long, and it is a system by which the Alake and his council have been able to care for the women of the country. Abeokuta is not a place like Lagos where you have women straying about after leaving their husbands. In the interests of morality the "Dipomu" system should be upheld and that is being done as you will see if you go to Abeokuta to-day. If a woman is not living with her husband—

His Excellency:—

I do not follow the connection of these remarks with the budget.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

I have asked your permission, Sir, to refer to your Address and other speeches.

His Excellency:—

But it must be in some way connected with the budget.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

May I bring it up at some other time during the present Session, Sir?

His Excellency:—

The only method of bringing up an extraneous subject is by putting up a question or a motion.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

In conclusion, Sir, I certainly feel that I would not be doing my duty if I took my seat without thanking the Central Government, on behalf of the Alake and Council, for the interest they have shown in improving our water supply system, and enlarging the electric light scheme in Abeokuta. As a matter of fact we are greatly indebted to Your Excellency and to the Central Government, and we trust that this will be an earnest to granting further assistance in respect of the needs of the province, not only in the Egba Province, but throughout the whole of Nigeria.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Your Excellency, I was horrified when I read in the local paper this morning that I had occupied the time of this House for a period of one and a half hours yesterday, so obviously I cannot encroach on the time of Council at any length this morning. My desire is chiefly to congratulate the Government on the successful effort they have made in reducing the expenditure this year. It is being openly said by our constituents that we come to this House and talk and talk, but it all amounts to nothing because Government will not listen to us. However, when the Estimates arrived this time I said to myself "now we have made them sit up and this year they really are trying to do something", and I was very glad to see that Government had succeeded to such an appreciable extent. At the same time I must to a certain extent agree with the remarks made by the Honourable and learned Commercial Member for Lagos that we cannot be satisfied with a reduction of this nature which appears on the face of it to be a reduction which concerns this year only. I should like to see a system established upon which we can all rely and can say that here is a system which has been evolved whereby we can assure ourselves that the budgets for the next year and succeeding years will be on the same basis as this year. It is not for a humble person like myself to suggest what this system should be and what permanent reductions should take place, but as the Honourable Member for the Egba Division

has said, there are items like pensions, and there are the numbers of officers who come out here as cadets, and there are various other ways in which I might suggest that a system should be adopted whereby expenses in those directions could be reduced. However, as I have said my main object in speaking this morning is to congratulate the Government upon the success of the estimated budget this year.

I must also congratulate Government upon the very successful way in which the Preventive Service has operated. There I must disagree with the Honourable Member for the Egba Division, although perhaps his experience at this end of the Colony has not been so fortunate as our experience in the eastern end. As far as I know at the eastern end smuggling has been almost eliminated. The service has been very efficient so much so that, as has been mentioned in the Address of Your Excellency, there has been a substantial increase in the imports of tobacco into the country.

I also have to congratulate Government on the efficiency of the Medical Service. I have a very great deal of travelling to do through the Southern Provinces and I have noticed what conveniences have been made in the hospitals for the benefit of the natives. I have noticed how natives have been taken to these hospitals and given the greatest comfort without any charge, and I have seen how much they have benefited thereby. I have noticed also what confidence the natives have in the Medical Officers, as in years gone by—and not so many years either, but just before the War—they had little or no confidence in European medical science, and they only went to the hospitals when they were *in extremis*, and they always preferred their own medicine men. Now it is the other way about because of the competence of these officers, and because of the good treatment they dispense, and also because of the marvellous results of their work. For instance there is the treatment of arsenical injections for yaws which has created a wonderful impression in the Eastern Provinces, and thousands of natives have been cured. Similarly successful results have been obtained in regard to other diseases as well.

I desire also, Sir, to say something about education. A great deal of money is being spent on education in this country, but most of the people all over the country are very suspicious in regard to the intentions of Government towards the natives in respect of education. There are some of us who know that the Government is in a quandary as to what should be the proper method to adopt; they are concerned to know what system to adopt that will best suit the needs of the country, and they are using their brains anxiously and carefully in order to evolve such a system. Of course that is as it should be. On account of the different grades that have been recently introduced, however, the people themselves are in doubt as to what the Government is going to do. I must say this though, that the people have their eyes on the educated natives in the country, and it is only natural that they will compare the product educated by the old schools with the natives who are being educated under the later processes. They cannot help seeing that the people brought up under the old system are more efficient, and that the people who are being educated under the later system show very little result. There is no doubt that education should be such that it does not produce all clerks, people who simply want to sit at a desk and write, or all lawyers and doctors. It would be ridiculous and absurd, so that Government is right in cudgelling its brains to bring about a system whereby people will have some education, and yet be able to stay in their own villages and not anxious to crowd the towns, and eventually add to unemployment. I personally am of the opinion that something should be done to make them realise that to stay on the land is the better thing for them, and make them realise that to work on the land is not a mean thing to do, nor in any way degrading. Once they get that idea into their heads they will be on the right path. There is no doubt about it that the natives of the country, on account of the advent of the European, have been taken away from their ordinary life in accordance with native law and custom, and seeing how the white man lives, they have wanted to imitate him, but, if they see a superior being sustaining himself by means of cultivating the soil, they themselves will open their eyes and say that, if after all, one can be somebody although one soils one's hands, then surely they could do the same.

Although the Agricultural Department has done a great deal of good in the way of introducing cotton, and teaching the people how to cultivate different kinds of cotton, and has encouraged them to take up the cultivation of groundnuts and other things, yet, I think they should endeavour to adopt a system whereby natives could be taught in their own home surroundings, in their own villages, on their own land, so that they can make a decent livelihood by attending to the ground and cultivating it themselves.

Your Excellency, I do not wish to occupy the time of the House any longer, therefore I will just reiterate my congratulations to Government for the way in which the draft Estimates have been prepared.

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—

Your Excellency, referring to your ruling a short time ago, it is difficult to know exactly to what extent one might go in the debate on the Supply Bill, because in accordance with a ruling made by your immediate predecessor in the Chair, the present Honourable Chief Secretary, I think Honourable Members will agree with me that we were left with the impression that during the debate on the Supply Bill we might discuss any subject?

His Excellency:—

I am always prepared to allow a large amount of latitude in the debate on the Supply Bill but I am not prepared to admit a subject that by no manner of means could be connected with it.

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—

I thank Your Excellency. In commencing, Sir, I will associate myself with the other Unofficial Members who have spoken before me in expressing my congratulations to Government for the manner in which the budget has been prepared. I am doing so, Sir, not in any stereotyped way but from my honest convictions. There are two or three matters I would like to have touched upon to-day, one of which is the income tax and its method of collection, but as Your Excellency has graciously signified your intention of according a deputation an opportunity of discussing the matter with you, I shall refrain from doing so now, because I feel sure that given that opportunity, we shall be able to discuss the matter much better than could be done to-day.

Sir, one of the latest "howlers" reported from Harrow School and mentioned in *West Africa* in its issue of the 22nd June reads as follows: "The tropical countries of the Empire are very useful because we get worries that we cannot get elsewhere." This journal went on to say that what the student responsible for the "howler" meant by "worries" is not apparent, but that it is the people in the tropical countries themselves who get all the worries. Your Excellency might be able from that to understand that if when we Unofficial Members come to this House and bring our questions or motions, or if during the debate on the Supply Bill we make any criticisms, we are not inspired by any personal motive, or by any spirit of carping criticism, but it is because in our honest judgment we feel it is our sacred duty in keeping with our obligations to interest ourselves in anything that may secure for the community a measure of relief from taxation. The desire to curtail expenditure is not one that is contemporaneous with, or one that is peculiar to this present administration. It is one that has been making itself felt from the time of Governor Egerton, twenty years ago, even to this present day, only, Sir, the desire is now becoming more vocal and insistent. The reason is not far to seek because it is a far cry from the solitary allowance which was granted to European officials in the days of Sir Walter Egerton to what, with Your Excellency's permission, I may call the multifarious allowances of the present day. Although the indications from the present budget are that the Government is taking the matter in hand, yet I shall ask Your Excellency that the Government shall not be allowed to rest on its oars, but should carry on its economy campaign as time goes on.

The Honourable the Chief Secretary in introducing the budget was pleased to indicate to us that there is a great reduction in expenditure, but there was one note in his address which has put me a little on my guard, and that is that this economy is only exercised because there is no money. If I understood him rightly, Sir, he means that the spirit to spend is there, only the flesh is

weak. In talking about expenditure it would appear that Unofficial Members have no ground for alarm and that we simply come here to oppose the Government, but that is not so, for in addition to the increase in the number of allowances which characterises the West African Administration, and which began to make itself felt in this country during Sir Walter Egerton's régime, and at the time raised a storm of protest, there are other indications which justify our alarm at the growth of the expenditure in this Colony. I will only remind you, Sir, of the time when Sir Frederick, now Lord Lugard, came to this country to amalgamate the North and the South how he introduced his scheme of subordinating the interests of Lagos and the Colony to those of the North, and in his attempt to make Kaduna the capital of Nigeria, he embarked on a huge scale of expenditure. Buildings were begun at enormous cost to the public revenue and were eventually abandoned. If I am well informed new bungalows that had been constructed here and bungalows that had been renovated were taken to Kaduna in order to make it a splendid capital, leaving Lagos to be an eyesore.

It will also be remembered, Sir, how the needs of the Western Railway were, as it were, treated very lightly in order that all available money could be spent on building the Eastern Railway and to make Port Harcourt a port to rival Lagos. It is quite possible, Sir, that the craze for the North has subsided, but there are the abandoned bungalows and there are the records of the money spent which ought to be in the archives of the Treasury, and all this was done to make Kaduna and Port Harcourt two important, if not the two most important centres in the Colony. These, Your Excellency, I submit tell the tale, if not of official extravagance, yet of intense expenditure. Even in this present Administration there is an item to which our attention was directed two years ago I think by one of the local Members. I am referring to the Lands Department, Sir. About six or seven years ago the Lands Department consisted of only three Europeans and fifteen Africans. Their combined emoluments were £3,320, and the total expenditure for the Department was £3,963. The duties of that Department were carried on in two offices in the Secretariat building. It is quite easy to believe, Sir, that the Department was then under-staffed and that complaints of delays in the registration of documents were justified, but in order to remedy the situation what has the Government done? In the 1928-1929 Estimates we find the staff increased to twenty-four Europeans and fifty-five Africans, with personal emoluments amounting to £18,000 out of a total expenditure of £22,000, and after putting up some expensive temporary buildings in Lagos for the accommodation of their staff, it is now being housed in a palatial building on the Race Course, which we all know so well, and which was constructed at a cost of something like £26,000, and is only a stone's throw from an equally palatial building which to-day is housing a portion of the staff of the Public Works Department. That is not all, Sir. The fact remains that in order to build those new quarters for the Lands Department the Government had to pull down a building which to us laymen appeared, if allowed to stand, to have a good many more useful years' service. I am giving these indications, Your Excellency, at the same time having in view the assurances which the Government official benches gave when they professed to realise the need for the exercise of strict economy consistent with efficient administration. We Unofficial Members are prepared to lie low for a season in order to give the Government a sporting chance, which they have apparently taken of following up the machinery of expenditure, putting on the brake of economy and closing any possible departmental leakage or departmental irregularity.

There is one matter to which I should like to refer—it is not a very pleasant one and it is certainly not with any feeling of pleasure that I mention it—and it is this. In almost every political administration in the country, but particularly in those of the North, the officers who are responsible for the estimates of revenue and expenditure, their collection and disbursement, are the identical officers, as far as we here know, who are responsible for auditing the accounts. That is a matter which has been brought before this Council before, and if I refer to it again, it is because I feel considerable distress in my mind on the subject. If any of those Northern Political Administrations had been private commercial concerns in which the managers had a pecuniary interest, I do not think they would have accepted the policy that those who collected

and spent the money should also check the accounts. If we do not say anything further about it, Sir, it is not because we are satisfied, and if we do refer to it, it is not because we are imputing any improper motive to any officers, but it is simply because it is a policy which I do not think any business firm would tolerate. I have said over and over again that in matters of that kind they should be conducted on a strictly business basis.

His Excellency:—

Has the Honourable Member very much more to say?

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—

Yes, Your Excellency, I have some further remarks to make.

His Excellency:—

Very well, I will adjourn Council now, and the Honourable Member may resume this afternoon.

*Council adjourned at 1 p.m.*

*Council resumed at 2.30 p.m.*

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—

Your Excellency, when Council adjourned this morning I was referring to the policy prevalent in some of the Native Administrations by which officers who are responsible for the Estimates of Revenue and Expenditure, the collection of the revenue and its disbursement, are the same officers who are responsible for auditing the accounts. Personally, Sir, I think it is very difficult to understand how that policy exists when one considers that in the south there is a system of auditing established, and the question that naturally arises is whether it is implied that the officers of the south are less paragons of integrity than those of the north, or whether it is implied that the officers of the north have codes of honour much higher than those of the south, otherwise why is it that a system of auditing is allowed in the south and not in the north? It cannot be denied, Sir, that such a system provides opportunities for unscrupulousness to people so inclined, and it is for this reason I have referred to this matter, and I now leave it in the hands of Government, which is all I can do.

The next subject I wish to refer to, Sir, is the judicial system of the country. There is no doubt, Sir, that there is no system more severely attacked than the judicial system of Nigeria with its Provincial Courts Ordinance and its numberless Orders-in-Council relative thereto, but all the complaints which have been registered against the operation of that system have been met with a stolid reply that the system is working satisfactorily, and that there is no need to change it. To my mind, Sir, it would appear that that was because up to quite recently all the victims under the operation of the Ordinance who have been, as it were, harried to what we consider their untimely graves, were African natives whose souls might be considered of so little moment that their bodies were offered on the altar of official conscience.

His Excellency:—

That is a most improper observation.

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—

I withdraw it, Your Excellency, and I apologise. But the fact remains, Sir, that when Dr. Knowles was caught in the meshes of the system there was a hue and cry that the system was not in keeping with equity and justice. If as an outcome of that case, Sir, something could be done to ameliorate or modify the system, I am sure West African natives would look upon it as a godsend.

I have one more remark, Sir, and that is in reference to the Queen's College medical examination which the Honourable Member for the Colony Division referred to in his address. He considered that the hue and cry was stupid and foolish. I am not sure if those were the correct words, but neither am I sure that by his remarks he has improved the situation. The parents of the children at Queen's College are not perhaps all as enlightened as we are, and it is quite possible that extravagant reports were brought to them, either by the children themselves or were received from other sources, and I think it was quite right that reference was made

to the examination here in order that Government might be given an opportunity of stating for the benefit of the people concerned exactly what transpired. The Honourable Member has himself admitted that he derived some benefit from the examination, because, by it he was able to discover an illness that might have had a disastrous result had it continued, but, on the other hand, what the people objected to, as far as I can gather, was not so much the examination itself but because of some of the conditions that were present during the examination; and as Government has given an explanation and has guaranteed that examinations will not be continued without first informing the parents, I think the matter can safely end there, Sir.

One more word, Sir, and that is to say that the longer I am connected with this Council, the more I feel how difficult it is to understand the intricacies of the budget, even with the exhaustive memorandum which must have been prepared at very great pains on the part of the staff of the Secretariat. However, I am very grateful for the information contained therein and if I cannot, like my predecessor say that once I was blind but now I can see, I can say that although I was blind there is every chance yet of my being able to grasp the intricacies of the budget in order to be able to say that I am seeing "small, small." Again, Sir, I wish to assure you of my regret that you should have considered any remarks I made improper. They were certainly not made in that spirit.

**The Hon. the Member for the Ibo Division (Mr. I. O. Mba):—**

Your Excellency, I did not really mean to speak on the budget, but finding that you have given such wide latitude, it has struck me that coming the distance I do, from Onitsha to Lagos, on this occasion when Honourable Members meet like this and expect to hear from those coming from different parts of the Protectorate, I ought to say just a few words. Before I say them, however, I should like to be informed whether I can refer to anything that is on the Order of the Day, or may I refer only to the budget, Sir?

**His Excellency:—**

The Honourable Member should confine himself either to the budget, or to any introductory speech or to anything having any connection with the budget.

**The Hon. the Member for the Ibo Division (Mr. I. O. Mba):—**

I have not been able to read the budget, Your Excellency, because I have been suffering with my eyes and it is only after having seen the doctor this time that I am again able to read, but seeing those figures in the Estimates and knowing what work it means—for I have often been here to discuss the contents—I cannot help but express on behalf of my fellow-countrymen whom I represent here, my thanks to the Government for the care taken in their preparation. It shows that the effort made to look after us and administer this Protectorate has been made in a manner as will best conduce to our interests and our welfare. There was a time when we natives thought that to come under the rule of the white man and his ways was not so agreeable to our feelings. We did not like it, but we are beginning to get to know what it means and to like it to the extent that we are heartily satisfied with what has been given us, and I wish to say that we think the officers in the various departments of the Government are doing their best to help us—Doctors, District Officers, Assistant District Officers, people in the Treasury, Posts and Telegraphs, Customs, Marine, each in his own department doing his best. Yet we do not appear to be quite satisfied for again and again we show discontent and dissatisfaction in one way or another. I rise on behalf of them and one or two among us who should know better, to say that we cannot expect everything to be plain sailing, neither can we expect to get all our wants met. I therefore say that we thank the Government and congratulate them for doing so much for us. In particular I wish to refer to those one or two people among us who have been giving trouble lately, even in matters where you have listened to our prayers here and given us such things as water; they made as much trouble about that as if you had given them poison. We hope the Government will take no notice of the people who raise these complaints, but they should rather treat them as the cries of little children who do not know what they are doing, and in a few days, months or years all that will pass and they will see and understand better.

I have been requested to refer to a Bill, Your Excellency, but I will do that when the Bill comes up for discussion.

The Hon. the Member for the Oyo Division (Mr. Agbaje):—

Your Excellency, standing here to-day as a new Member of Council, my words will be very limited and I hope to be able to do better next time.

I have to associate myself with the remarks of the Honourable Members who have spoken before me, who have joined in congratulating the Government for the manner in which the Estimates, which have been laid before us to-day, have been presented.

My particular attention has been drawn to the export duties on page 7, Head 4, item 2 of the Memorandum, and I notice that the increase in this figure which amounts to £60,000, is based upon current receipts and slight increase in trade. The Estimates laid before us to-day will show the figures derived from the exports from Oyo Province and neighbourhood, and we hope these figures will show you how largely the Oyo Province, which I represent, is contributing towards the revenue. We are therefore concerned that Oyo Province should have its equal share in the benefits derived from that revenue. For instance transport alone in the Province amounts to about 1,000 tons a day, and with Your Excellency's permission, I would ask that one way in which we might benefit would be by having proper roads. Every Member in this Council to-day and especially Honourable Trading Members will be able to witness that Oyo has not yet properly benefited by having good roads, although I make bold to say, Sir, that Lagos has benefited considerably in this way. From Lagos to Abeokuta there is a good road, but from Abeokuta to Ibadan it is very very bad, and from Ibadan to Oyo and to other provinces the roads are all bad. People are at a loss to see why other provinces which do not help so largely towards the revenue, or who have not been so loyal as Oyo Province, for Oyo has been most loyal, should have benefited by being given roads, light, and other advantages. I hope it will not be long before the Government is able to improve Oyo Province roads, to prevent the motor owners from suffering the heavy losses as they are doing at present. Whilst I am talking about the large amount of produce coming from Oyo Province, I would refer to the licensing fees which all motor owners have paid for the sake of getting proper roads in order to run their lorries. The roads are causing any amount of damage to the lorries and an amazing dislocation of trade, as motor owners in Oyo are not encouraged at all. I may say that the number of motor lorries and passenger cars in Oyo Province would be nearly doubled if proper roads were made, and if Government would be so good to do all that is necessary to improve the roads, I am sure the position of trade and the export duties, which have increased by £60,000 this year would improve still more.

As I am a new Member before Your Excellency to-day. I would ask your leave to stop my speech now, and to say that I hope I shall be able to do better in future.

The Hon. the Senior Resident, Oyo Province:—

Your Excellency, may I say one word arising out of the speech of the Honourable Member for the Colony Division? I am sure it was quite inadvertently on his part that he omitted to make reference to the native administrations of the Western Provinces, as Oyo, Abeokuta, Benin and so on. He spoke also of Native Courts as though well-established native administrations and Native Courts existed only in the Northern Provinces. Possibly because the Oyo and Abeokuta Provinces are so close to Lagos he assumed that everybody had a knowledge of them, but judging by some of the speeches made, it is quite obvious that the knowledge of some of the Honourable Members is exceedingly scanty. The native administrations of the Western Provinces are very old established. They were established on modern lines in Sir William MacGregor's time, and they have for long been accustomed to administer their own revenue and expenditure, and they have always been fully alive to the importance of this part of their duties. The native administrations have been reorganised within the last few years and the chiefs now have a very fit sense of their responsibilities and the requirements of modern times. It seems to be assumed, I think, by some Honourable Members that native administrations are represented almost entirely by Residents and District Officers.



Some members have possibly never been up as far as Oyo to see how things are managed there. Some of the representatives from the Eastern Provinces have been, however, and I think they were greatly interested to see how things were run by the chiefs themselves. I can assure Honourable Members that the chiefs and elders of Oyo, Ibadan, Ilesha and Benin have an intimate knowledge of native administration, and no money is spent by the native administration without the full knowledge of the chiefs, who go about the country examining the ways in which the money is spent. They have full access to the accounts; they have quite well-educated clerks to explain things to them, and I think there is very little they do not know about their revenue and expenditure, which are both very considerable.

There also seems to be some misconception as to the status of Native Courts in the Yoruba provinces, and they seem to class them on a par with some of the smaller Native Courts in the Eastern Provinces. In the Yoruba provinces, however, the chiefs are men of great experience who have been managing their countries without help for many generations, and they maintain peace and order in a most professional manner over an area of more than 15,000 square miles, with the minimum of help. They are very alive to their responsibilities and they are serious judges. If the people have any complaint they go to the chiefs to whom they have free access, and very often an Administrative Officer sits with them to help them, and this acts more or less as an appeal. There is also an appeal to the Resident, but the number of appeals that reach the Resident are very few, although I think people who know the Oyo Province will agree that there are very few people who will not come to the Resident if they want to. They have done so for years and I am sure the chiefs in the Yoruba provinces would be greatly surprised if they heard the remarks made by some of the members as to their inability to decide matters of native law and custom, and to suggest that to take any case on appeal to the native authorities would be like the blind leading the blind. I am sure they would not like that suggestion at all.

I feel sure that the reason the Honourable Member for the Colony Division did not make reference to Oyo was because it is so near to Lagos, and I hope Honourable Members will keep in mind that these people are quite separate from some of those referred to in the Central and Eastern Provinces.

#### The Hon. the Acting Postmaster-General:—

Sir, the Honourable Third Lagos Member expressed the hope that the very large reduction both in extraordinary and recurrent expenditure shown in the estimates of the department that I have the honour to represent; would not impair the efficiency or restrict the extensions necessary for the good of the department. I can reassure the Honourable Member and this Council on the question of efficiency which will be in no way impaired by the reductions that have been made. As regards the necessary extensions, it is quite obvious that what some people may consider necessary extensions, other people may not. It is clear, I think, that extensions that may be considered necessary in the Oyo Province may not be considered necessary by the people of Calabar, and vice versa, but I can assure this Council that the extensions necessary for the proper maintenance of existing works and for what I may call the normal growth of existing works have been properly provided for.

Several members made comments upon the recurrent expenditure, not only of the Posts and Telegraphs Department, but of all departments. I am in the happy position of being able to say that the recurrent expenditure of my department does show an actual decrease, but I would like to draw the attention of Honourable Members to the fact that every head of department is faced year by year with what I may call automatic increases, over which he has no control, increases due to increments to which African and European staff alike are entitled if they earn them—and I may say that, as far as my department is concerned, they usually are earned—but it is an item, and a serious one, which has to be considered by every head of department when framing his estimates.

The Honourable Member for the Egba Division made a reference to the cost of trunk telephones. I could not hear him very well so I am not sure whether he was referring specifically to the Lagos-Abeokuta trunk telephone, or to trunk services generally, but I can

say that the charges made by the department for trunk telephone services are no higher than the charges made in the United Kingdom, and it is quite certain that the charges made in the United Kingdom are economically the lowest that can be given. The cost of construction and maintenance of trunk and other telephones in Nigeria is at least forty *per cent.* higher than in the United Kingdom, and if our charges are, as I say they are, no higher than in the United Kingdom, the people are getting a good bargain from the Posts and Telegraphs Department.

The Hon. the Commissioner of Lands (Lieut.-Col. R. H. Rowe):—

Your Excellency, there are one or two points to which I have to reply on behalf of my department. I should like to thank the Honourable Mining Member for what he said this morning. He stated he had visited the Lands Department and seen the town planning scheme for Lagos, and he had gained a good idea of what was going on. On the other hand the Honourable Member for the Egba Division complained that he is entirely in the dark. I think the moral is obvious, and if he will adopt the same course as the Honourable Mining Member and come and see the plans, I hope he will understand much better the town planning scheme for Lagos. It is difficult to say exactly where the Board will start to acquire land, as it is very well known that to give notice in advance of exactly what area is to be acquired, gives speculators a chance of getting there first, but as much information as possible will be given the Honourable Member if he likes to come along.

The other question raised by the Honourable Member for the Egba Division was the question of registration of deeds at Abeokuta. He understood, I gathered, from an interview with the Alake that he had heard that I wished to conduct this registration of titles in Lagos. At the present moment the place of registration by law for all documents in Abeokuta is Lagos. I propose to alter that and to set up a Registry in Abeokuta itself. I have put forward the proposal, and His Honour the Lieutenant-Governor has agreed to it, so that it is only a matter now of a few formalities before carrying it out. In addition I should like to add that it is provided that, in registering any title, the nature of the title should be settled by the native authorities themselves, and rules are being drawn up now to put that into effect. I cannot quite understand where the Alake got his information from to the contrary.

The other point, Sir, I have to deal with is with reference to some remarks made by the Honourable First Lagos Member as to the growth of the Lands Department. He pointed out quite rightly that it has grown from one or two rooms down in the lower part of this building, and he dilated at some length on the growth of the department from that small size. The real reason for that, however, is more important than the mere fact, which he states, that it has grown. The actual fact that it has grown is of no greater signification than the fact that Lagos has grown, unless you find out what the reasons for that growth are. About 1904-25 Major Birrell-Gray, the Administrator of the Colony, reported rather strongly on the arrangements whereby one officer, who was frequently changed round, carried on the work in two rooms at the bottom of the Secretariat building, and Mr. Kingdon the late Attorney-General, now Chief Justice, also commented strongly on the arrangements, and I should like to read you a few extracts from his remarks which have a bearing on the subject:—

" I consider that one of the most pressing needs of the administration is the creation of a Nigerian Lands Department  
" for the whole of Nigeria, presided over by an  
" experienced and adequately paid officer provided with a  
" sufficient staff and office accommodation.

" At present the office of Commissioner of Lands in the  
" Southern Provinces is held temporarily by any suitable  
" Administrative Officer who may at the moment be avail-  
" able and the changes in the last four years have been  
" almost too numerous to count;

" I have been repeatedly struck by the very great handicap  
" under which all difficult land questions are considered,  
" owing to the absence of advice from a land officer, with  
" the necessary authority, knowledge and experience; and

"I believe that many embarrassing positions in which the Government has found itself have arisen from the same cause and that in some cases serious expense to Government has resulted.

"The present Commissioner of Lands with his inadequate staff has been quite unable to exercise that supervision of Crown lands that is very necessary if Government property and revenue are to be safeguarded. I feel sure that in this respect large sums are lost to revenue annually and in some cases Crown rights are permanently lost.

"One of the first duties of a new Land Officer, though one which must necessarily take him some time, would be to consider how far a modified Torrens System is suitable for introduction into Nigeria.

"In my view matters affecting land are amongst the most important in Nigeria; the officer charged with their concern should be responsible direct to the Governor through the Chief Secretary, should receive a salary at least as high as a Puisne Judge or a Senior Resident and if not a member of Executive Council should at least be a member of Legislative Council. He should in fact be a very senior officer in a position to advise with weight and authority and to press for those reforms which he considers necessary and for the provision of funds to meet them.

"I am convinced that the need, not for the reorganisation of the present Lands Department but for the creation of an entirely new department, is pressing, and that in a short time Government will more than recoup itself for the expense involved by such a step.

"(Sgd.) DONALD KINGDON,  
"Attorney-General,  
"16.1.1925."

His Excellency accepted the advice of those two senior officers and that programme was put into operation with the result, naturally, that the Lands Department did increase from one officer and two rooms in this building. In addition to that, apart from the creation of the new department as visualised by Mr. Kingdon, and the resulting economy by having business done properly, the department has also been increased in several other ways not contemplated at that time.

It was decided owing to the plague to undertake the town planning of Lagos and the town planning staff has been added to the department. If the Honourable First Lagos Member will visit the office he will find that the town planning staff has now undertaken complete new plans for Enugu, Warri, Oshogbo, and Port Harcourt, in addition to the great amount of work done on the Lagos scheme, and I can show Honourable Members from those plans that savings in each instance amount to tens of thousands of pounds, and in the future, when the plans materialise and the work is done, they will extend to hundreds of thousands of pounds.

In addition to that work the department has taken over a great many minor works formerly conducted by other departments. There is a certain amount of land work going on also in the various provinces which is undertaken by officers seconded from the Administrative Staff, who are shown in the Lands Department Estimates.

With reference to that white elephant known as the Yaba Estate, which, at a cost of £200,000 was planned to clear up plague in Lagos, but which for three, to four years remained in a stagnant condition, until taken over by the Lands Department, if Honourable Members will go to Yaba now they will see that between three and four hundred plots have been leased, and buildings are springing up in all directions.

The Hon. the Director of Agriculture :—

Your Excellency, I have only one or two small points to answer. The Third Lagos Member suggested that my department should occupy itself more with the cultivation of new crops suitable to this country. The policy of Nigeria has been and is that it should be a country of smallholders. It is not my business at the moment

either to defend or criticise that policy, but like any other, whatever advantages it has, it has also some disadvantages. One of those disadvantages is that the choice of crops for the country is extremely limited. There are numerous, I might almost say innumerable, tropical crops which could be grown in Nigeria quite successfully and with profit to the country if we had the planters, but we cannot have it both ways, and if we do not have planters, most of the crops are ruled out. Crops suitable for Nigeria have to fulfil a series of conditions: in the first place the market must be a wide one. It is no use producing something of which the world wants 100 tons, because if we began to grow it at all we should produce thousands of tons and so swamp the market. All minor products are therefore wiped out.

Any product required to be of a fine grade to be profitable is again ruled out because mass producers cannot produce the extremely fine grade in that way. Any product which requires machinery to prepare it is also practically ruled out, because although it might be prepared by means of central factories buying produce from smallholders, in practice no such central factory anywhere in the world may be said to have succeeded. Any product of a delicate and fragile nature is ruled out because we cannot arrange its transport. Again, in practice, any product of which the valuable portion consists of one-fiftieth or one-hundredth part of the whole is ruled out because an enormous area would have to be planted in order that the product might be made profitable.

That leaves us with an extraordinarily small range of crops. The two crops mentioned by the Honourable Member have been tried from the smallholders' point of view. For instance, for six years we tried to produce an export grade of tobacco. We could just do it on our farm without using methods that the natives could not use. It could, however, only be grown in suitable weather, and we could not expect the native farmer to produce it under such difficult conditions. It was for that reason and one other that further effort was discouraged and that was I had reason to expect that in five years from then (this was in 1923) the market for that grade of tobacco that Nigeria might produce would be flooded, with the result that the supply would exceed the demand. That anticipation proved accurate and the market for that grade of tobacco has failed during the last two years, and planters in Rhodesia and Nyasaland who produced that grade of tobacco have become bankrupt.

The other crop mentioned by the Honourable Member was sisal. The Gold Coast started to experiment with this some ten years ago. It appeared to me that this crop was not suitable for production by smallholders and treatment by central factories, but the Gold Coast people thought otherwise. I say this in no sense of criticism of their effort, but if the Honourable Member will ascertain the result of that experiment he will find that Nigeria has reason to congratulate herself that it was made at the expense of another Colony and not ours.

Turning now to the remarks of the Member for the Egba Division I could not hear them very well, but I caught one phrase with regard to our palm oil production. The improvement of palm oil production is an extraordinarily difficult question, and one bristling with difficulties, and all we have been able to do is our best. We have worked at the problem for some years, and although we do not say we have solved it, it is the best we have been able to do and we offer it to the Nigerian people in that spirit. If Honourable Members will give me any details where criticism is based on experience, I will investigate them with alacrity. As a matter of fact I have only had two such criticisms within the last six months, one from an Honourable Member of this Council who said that the women in a certain village could not use the oil presses. I investigated the matter and was told that the reason was that the presses were lying in the Port eighty miles away from the village without having been unpacked.

Another gentleman, not in this Council, but whose ideas I respect, told me that the machine would not work and after investigation I discovered it was lying fourteen miles away from the village and had not been tried at all. In both cases I sent a man post haste to investigate, and in the same way we will investigate any genuine case not only willingly, but because we are anxious

to do so, as it is by such means that we learn. We realise that we have much to learn, but I would ask that such cases should be founded on something more definite than the two which have come to our notice up to the present.

The Honourable Member for Calabar and one or two other Members made some reference to the necessity for co-operation between the Agricultural and the Education Departments with a view to making primary education such that the boy who has been to a primary school will not think agriculture a degrading profession. This is an ideal which I have always held before me, and is one which the present Director of Education holds too, and we are in close co-operation and have been discussing the subject, and as a result we have some plans and some fairly detailed ideas ready which the Director of Education will place before Government. It is a matter primarily for the Education Department in which we can and will assist to the best of our ability.

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

Your Excellency, the Honourable Third Lagos Member suggested that the very large reduction in the Extraordinary Vote for the Public Works Department might perhaps have been obtained at the sacrifice of efficiency. It will of course be realised that this large reduction necessitated the very closest scrutiny on the part of their Honours the Lieutenant-Governors and the Administrator of the items submitted to them by the heads of the various departments and services concerned for works in the Northern and Southern Provinces and in the Colony. It demanded very careful consideration of the various claims for work which may perhaps have been put forward as of paramount importance and necessary or desirable to the efficiency of the various departments.

As far as the Public Works Department is concerned it must be admitted that we have excluded from our demands schemes which, in our opinion, would, either immediately or ultimately lead to economy, and we have been forced to do that, not because we have altered our opinion of the desirability of these works, but in order to meet the present financial stringency. Apart from the particular schemes which mainly refer to workshops, mechanical plant, and so on, I think the works themselves which we have undertaken will have been effected with a main view to efficiency. I sympathise with the Honourable Member for the Oyo Division in his desire for improved roads in the Oyo Province, and I quite agree with him that those improved roads, which are becoming vitally necessary, would facilitate traffic and would unquestionably lead to a decrease in the running costs of motor owners. If he will turn to page 88 of the Estimates, however, he will find that the matter has not been ignored by Government. For instance he will find under item 28 of the 1928-29 Estimates an estimate was put forward for the sum of £80,000 for the construction of the Ibadan-Ife road, and in the third column he will see that up to the end of the present financial year, £37,000 of that £80,000 will have been spent. Item 41 of the 1929-30 Estimates showed an approximate estimate of £39,000 for the reconstruction of the Ibadan-Oyo road, item 42 showed £67,000 for the reconstruction of the Abeokuta-Ibadan road, and item 43, £63,000 for the Ibadan-Ijebu Ode road; and a large margin of these estimates would have been spent in the Oyo Province. Of the last three items provision is limited for next year to £1,000 for the Ibadan-Oyo road and £4,300 for the Ibadan-Ijebu Ode road. It must therefore be realised that owing to the present financial stringency it will be impossible to spend large sums on the lay-out of the Abeokuta-Ibadan road to which the Honourable Member referred in his speech. I should like to support the Honourable Member for the Oyo Province in his remarks about the effort and I think I may say the very successful efforts that have been made by the native administration of Oyo Province to provide roads and communications in the province. This work is supplementary to the Public Works roads, but they are all part and parcel of the system of communications in the province itself, and through that province to other provinces.

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

Your Excellency, during the course of the debate, attention has been called to the increase in the Education Department budget for 1930-31 by a sum of £34,000. This increase does not indicate any change of policy; the major portion of it, about £19,000, is due to

the fact that the grants were underestimated in previous years, and the sum has been made up to what is considered will be the requirements under this head. The remainder is chiefly due to normal increases, and to some expenses in the Northern Provinces, especially with regard to the training of teachers. Honourable Members will realise that I am not in a position to make any statement with regard to educational policy, because before that is done, it is necessary that I should present definite proposals to Your Excellency who, after considering them, will decide what the future Government policy is to be. On the other hand it has been necessary for me during visits round the country to discuss various educational problems with Africans, missionaries and others, in order to find out by means of discussions what their views were with regard to tentative proposals and so to elicit some form of constructive criticism. If I had not adopted that line and if it had not been possible to discuss some tentative proposals, I should, I think, have been rather in the position of a conjuror who has produced a rabbit out of a hat without any guarantee that the animal so produced would be suitable for and would thrive in the country in which it was produced. Therefore I thought it would be only right to make opportunities for these discussions during the course of my visits throughout the country. In this connection I should like to say that every effort has been and is being made to continue to obtain the good will of the mission societies whose efforts during the last few years and indeed for many years on behalf of education have progressed so far.

There is another point also with regard to which there is some misunderstanding and misapprehension. It is not in any way suggested that previous systems of education and previous codes should be ignored. Rather would I say that as a result of the educational systems of the Northern and Southern Provinces, and as a result of the Code in the Southern Province that has been operated now for three years, we have come to a point at which still further educational expansion is possible.

With regard to certain points that were brought up in the course of the debate no one I think would quarrel with the very lucid expressions made by the Honourable Member for the Colony as to his ideas on the co-ordination of educational policy. The Honourable Member for Calabar further elaborated that policy and the Honourable Director of Agriculture also replied in that sense. Personally, Sir, I am quite certain that educational policy must be closely connected with economic development, and that we should, as far as possible in the schools try to encourage a greater and more varied interest in practical agriculture.

These few remarks cover, I think, most of the points that have been raised during the course of the debate. I hope it may be possible at a future meeting to discuss more fully a tangible scheme for educational development, and I would only say in that connection that in shaping an educational policy we should not, I think, confine ourselves to immediate needs, but rather endeavour to work out a sound scheme of educational progress which is capable of indefinite expansion from year to year with the funds available, and which is applicable to every portion of the country.

**The Hon. the Director of Marine:—**

Your Excellency, there is only one point in connection with my department upon which I am called to speak, and that is on the question of waterways. The Honourable Member for the Egba Division made some remarks that some of the waterways in the Western Division, particularly the Ogun River, required clearing.

Each year we receive through the Residents of provinces a list of waterways that require clearing, and this list is always larger than the funds at our disposal for this work, so that we have to eliminate the less urgent and only deal with those of vital importance. I may say that we have had no request from anyone concerning the Ogun River waterways since 1908, therefore we have taken no steps to deal with the matter, but now it has been brought to my notice, I can assure the Honourable Member that the matter will be gone into, and if in Committee on the Supply Bill a small amount can be added to the Waterways Fund, I can promise to deal with the matter almost immediately.

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

Your Excellency, there are not many points which have arisen in the course of the debate to which I need draw attention. The first is the question of the increase of expenditure upon the Laboratory Services. That I think has been fully explained by the Honourable Chief Secretary in his introductory speech. It is merely a question of taking the Pathological staff from the Medical Department and transferring it to a new service, which, I think, is a more efficient way of dealing with research problems in the Medical Department.

The second point was raised by the Honourable Mining Member who pointed out that some of the infectious diseases hospitals of this country were not as good as they might be, and with that I must confess I agree. Honourable Members must remember that infectious diseases hospitals may be completely unoccupied for many months together, so that unless a hospital has to deal with a large area, it is not economic to go in for elaborate buildings. In the case of Lagos the new infectious diseases hospital which I hope will be ready for opening in one or two months from now is a very suitable and comfortable hospital, and I hope Honourable Members will take an opportunity of visiting it. It is a place where people will be well looked after and there should be no fear of going to that particular infectious diseases hospital.

With regard to other infectious diseases hospitals in this country, we are adopting plans now of erecting a semi-permanent or permanent building with concrete floors and roofs, and when these hospitals are required for use, converting them into rooms with semi-permanent material, so that during the period they are not occupied the semi-permanent material can be destroyed and the permanent parts sterilised. These hospitals are now being prepared in different parts of the country. The question of staffing them is causing a certain amount of trouble, for it is a difficult matter to train staff for work in infectious diseases hospitals, and it usually means that certain patients feel they are not being well looked after because they are treated by a not very highly educated staff. I can assure Honourable Members that that matter is receiving attention and the training of the nursing staff is going to include training in infectious disease work, so that every nurse will be capable of looking after patients in those hospitals, and for this reason you will see in the Estimates that we are asking for provision for a rather considerable increase in the personnel of the nursing staff.

The Honourable Member for Mining also referred to the native administration dispensaries that are being started in the Northern and Southern Provinces. The scheme is in its infancy at present and I do not think I need refer to it in detail, more especially as it has been mentioned in Your Excellency's Address to the Council. I think myself the experiment is certain to be a success, and it is receiving the support of their Honours the Lieutenant-Governors and also of the Residents.

The Honourable Member for the Egba Division mentioned the infant welfare work which is taking place now in Abeokuta. I think we have already said how much we appreciate the work of the native administration there, but I would point out that, in suggesting assistance to that work from Central Government funds, part of the reason why it is so highly appreciated is simply because it is absolutely their own effort. Speaking for myself I am in entire sympathy with assisting work of this kind, but in this particular case, I feel certain that a great deal of the success is due to the fact that the native administration feels that it is entirely their own show.

The question raised by the Honourable Member for the Colony Division regarding education in health work in schools, is one on which I cannot say more at present than that we are making every effort to improve the health conditions of the schools and to help the children themselves, and to educate them in medical affairs.

**The Hon. the Treasurer:—**

Your Excellency, it is very gratifying to your financial advisers that the budget prepared under Your Excellency's direction for 1930-31 has been received with such general approval. It is perfectly obvious that a balanced budget inspires confidence, and more so when that budget is balanced not by an inflation of the revenue but by general reduction in recurrent and extraordinary expenditure.

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The Honourable the Commercial Member for Calabar spoke of his confidence in Nigeria and its financial position. He implied that he hoped this budget was not prompted by any pessimistic view. I can assure him, Sir, that there was no pessimistic feeling in the minds of Your Excellency's financial advisers when this budget was framed. It was felt that the time had come for consolidating a very sound financial position, and that is exactly what this budget represents.

The Honourable the Commercial Member for Calabar also referred to the question of the Mandated Territory's accounts, and pointed out that the budget for the Cameroons did not appear as formerly in the budget of the Colony. The main reason for that, apart from the fact that the budget for the Colony appears as one and is not divided into three or four sections, was that the estimates as they appeared did not represent in any way the expenditure or the revenue of the Cameroons Mandated Territory, in fact they only represented the local expenditure that was paid locally and the revenue collected locally, and the overhead charges, which appear in the accounts of all business concerns, found no place in those estimates. Again, those estimates now appear in the Report of the British Cameroons which are published by His Majesty's Stationery Office and are obtainable from the usual sources. It may interest the Honourable Commercial Member for Calabar to know that for 1927-28 the actual expenditure of that part of the Mandated Territory was £136,326 and the revenue £107,922, a deficit of £28,404.

The Honourable Member also referred to the reduction in recurrent expenditure, and the Honourable the Commercial Member for Lagos also made a similar statement. I can assure Honourable Members that when they are in Select Committee they will find that reduction is a real one, and although the result, as stated in the Memorandum on the Estimates, is not apparent on the surface, yet they will find when they consider the items under the various Heads that there is a very real and great reduction. This has been due to the fact that in later years there has been closer budgeting. One Honourable Member referred to the fact that our annual surpluses were getting smaller and smaller, but that is in a measure due to the closer budgeting. I have every reason to hope that in this budget submitted now to this Council Honourable Members will find that this policy has been continued and that there has been closer budgeting than hitherto.

The Honourable the Banking Member, in what I may call a rather pessimistic speech, referred to some figures in the Estimates which I congratulate him on having cast up. They are not cast in the Estimates, and the results, as he read them out, are quite correct, and they do show that during the period 1914-29 the expenditure exceeded the revenue by some five million pounds. I am not endeavouring to score a point over the Honourable Member, because he is just as aware as I am that if the totals of revenue and expenditure were balanced they would show a surplus (as will be seen on the next page of the Estimates) of revenue over expenditure on the 1st April, 1929 of £4,688,818, which perhaps gives a more perfect picture of the situation.

The Honourable Member also referred to the new method of showing Railway reimbursements as not being quite fair to the departments. I cannot quite follow him there. When the Railway Department's accounts were first separated from the general accounts of the Colony, these reimbursements were shown as a deduction from the departmental estimates. Now they appear as reimbursements under a head of revenue. The departments themselves show actual estimated expenditure, but when a credit is taken off at the bottom, it rather confuses the issue, for one cannot tell if it comes off Personal Emoluments or off Other Charges: it comes off both. The method now adopted as directed by the Secretary of State seems to me to be more fair.

Reference was also made this morning to the increase in expenditure on education, and whether all this additional expense was remunerative. To my mind money spent on education indicates that more educated Africans will be turned out. There will be great economy when they are able to take their place in the service of the country, and replace Europeans who are more expensive.



The question of pensions was touched on, and this is a delicate question, Sir. I am frequently referred to the figure I gave as to the possible cost of pensions in fifteen years' time. I gave it with all possible safeguards, but the figure was purely approximate, for there are certain things which are not calculable. During the period of the War very few officers came out to this country, and the fact that the War lasted so long means that at a certain period there will be a sudden drop in the number of people going on pension. After the War people came out much younger, so they will be serving for a longer time, so that I am not unduly alarmed, and I feel that the figures I gave represent the position as closely to-day as when I gave them at the last meeting of this Council.

The Honourable First Lagos Member referred to the increase in allowances. I was in this Colony when Sir Walter Egerton was Governor and since I have been connected with Nigeria there have been no increases in the nature of allowances. As far as I know the same number of allowances are being paid, or perhaps just one more. I should be much more alarmed if allowances were abolished, because this would mean that there must be increases in the salaries of officers, and that again would entail an increase in pensions. I do not think, therefore, the Honourable Member has any cause whatever for alarm.

#### His Honour the Lieutenant-Governor, Southern Provinces:—

Your Excellency, a good deal of latitude has been allowed to Members of this Council and a good many subjects have been touched upon which, perhaps, have no direct connection with the budget, but with Your Excellency's permission I should like to explain certain statements that have been made in the speeches of Honourable Members.

The Honourable the Member for the Colony Division made certain remarks as to the difference between native administrations in the North and in the South, and I rather assumed that he treated native administrations and Native Courts as much the same thing. That, of course, is not so. In the early stages of Southern Nigeria administration Native Courts were used as the basis of native administration. Orders were given by Native Court clerks, and were carried by Native Court messengers and they were really treated as orders given by a native administration. But of course native administrations are the local executive councils, and they are, and should be, entirely separate from Native Courts, although it is true that, in certain cases, the executive authorities are also frequently judges in the Native Courts. A good deal of the unrest during the last few months has been caused by the fact that the control which was exercised by Native Courts and Court members is not so great as it was. Orders have been repealed and that has made their powers considerably less. In the meantime those places where executive authorities had been set up were in a period of transition, and they had not really grasped their new position. Their general control over sub-tribes and villages, etc., was not very great. Slowly, however, they began to realise their duties and responsibilities, and native administrations are now becoming more efficient year by year.

The Honourable the Commercial Member for Calabar referred to the fact that only a certain percentage of the tax paid was devoted to native administration purposes. I entirely agree with the Honourable Member that it is of the utmost importance that communities forming part of native administrations should see that their funds are devoted to purposes which they want, and purposes which are useful: in fact the communities concerned should see that they get every benefit possible from their funds.

At the same time I admit that it is difficult to make the more backward communities realise why they should pay the Central Government a large percentage of the tax, but it is impossible to make exceptions, and it is impossible to treat more advanced communities one way and less advanced in another, and I do not think it is feasible to give preferential treatment in the matter of the percentages of revenue paid to the native administrations as they stand to-day.

An Honourable Member referred to the question of auditing accounts, but I think he was under a misapprehension. He appeared to think that in the North there was no audit whatever, and in the Southern Provinces there was. He wondered if there

were a less high standard of honour in the Southern Provinces than there was in the Northern Provinces. I have served over five years in the Northern Provinces, and over five years in the Southern Provinces and I can assure the Honourable Member, Sir, that the code of honour of the Administrative Officers in the North is very high, and that of Administrative Officers in the South is very high, and it is equally high in both. The Honourable Member did not realise that in the more advanced native administrations there is a Native Treasurer who keeps the accounts, makes payments, etc., and the auditing is done by a District Officer or by one of his subordinates. I think the Honourable Member should bear in mind conditions in the Southern Provinces, where, among the more primitive native administrations, the position is rather different. The native administration treasurers are new and require a certain time before they realise the extent of their responsibilities, and in the meantime District Officers have to keep in close touch with what is being done. The District Officer himself sees that the accounts are properly audited, and I think it is a great mistake to introduce anything in the nature of a Government audit. It is better to allow the native administrations a free hand, and to keep outside detailed regulations and inspections which cause a great deal of trouble.

The Honourable Director of Medical and Sanitary Service has referred to the dispensaries scheme, a matter which had also been referred to by an Honourable Member. As I have said I thoroughly agree that native administration funds should be spent on purposes which are of advantage to the people and from which the benefits can be realised. The dispensaries scheme appears to me to be an admirable scheme and I am confident the native administrations will be sympathetic. I have also heard it said at times by representatives of native administrations that they did want further facilities for medical training. Central institutions such as hospitals are very admirable, but something more is wanted if medical treatment is to be carried to the population at large. I therefore hope this scheme for local dispensaries, including the training of local boys, will do a great deal to meeting the needs of the people in this respect, and towards solving this problem.

There was a reference to the child welfare scheme at Abeokuta. I entirely agree with what was said by the Honourable Director of Medical and Sanitary Service that he considered this was a scheme of which the Egba Native Administration might well be proud. It is a scheme which is paid for from their own funds, and from which the Egbas can already see the great benefit, and I am not sure that I should be in favour of the Egba Native Administration accepting contributions from Government funds, although, of course, any request made to His Excellency will come direct from the Alake and his Council.

**His Honour the Lieutenant-Governor, Northern Provinces :—**

Your Excellency, I propose to be exceedingly brief. First of all I must mention that amongst all the questions that have been asked, Honourable Members have not asked me one single question. There is one thing, however, I wish to say. His Honour the Lieutenant-Governor of the Southern Provinces has just addressed you, and the Senior Resident of the Oyo Province has addressed you. Sometimes you hear about differences between the Northern and Southern Provinces, but I want to tell you here that in the views of the present Lieutenant-Governor of the Southern Provinces, the Resident of the Oyo Province and a great many earnest and influential officers of the Northern Provinces there is no difference whatever. Honourable Members should understand that as far as native administrations are concerned, there are many different types, and some are more advanced than others, but on the general principle, there is no difference whatever.

The Honourable the First Member for Lagos talked about the officers who were responsible for the collection and disbursement of money being also the auditors of the accounts. The Lieutenant-Governor of the Southern Provinces has very briefly dealt with the Honourable Member's remarks. I think His Honour said quite as much as was really due or necessary to the ignorant and uninformed statements that were made. Perhaps the Honourable Member would like to know that now, as in the past, we at Kaduna have detailed an officer to look into native administration accounts and act as auditor. That officer has not been called an auditor in

the Estimates nor are the rules of Colonial Audit applicable to him. He has a humble title, for he is an ordinary Administrative Officer, but Honourable Members should realise that native administration accounts are always very carefully audited.

There is no need to say anything about the offensive remarks referring to Sir Frederick Lugard at Kaduna, for everyone in the country knows they are just utter nonsense. I should like, however, to turn to a matter which is much more interesting which was raised by the Honourable Member for the Colony, and which was endorsed by the Directors of Education and Agriculture, and was referred to also by the Honourable Member for Calabar who made, I consider, one of the most important and weighty speeches I have ever heard in this Chamber. The Honourable Member said that the object of education was to fit boys and girls to be members of the society in which they were to live. That phrase is a very important one indeed, and the word which I think should be most underlined is the word "society." It is not a question of individuals but it is a question of societies, and if I may say so, there are a great many societies in this country. Lagos is one, but there are others, and the Honourable Member for Calabar put before us the opinions of the society in the Eastern Province of Calabar, where, it seems, that the task of an avaricious native court, or of an avaricious native treasury, or of an avaricious native chief is to smash up the whole of the societies of the country. No Government could visualise such a policy for a moment, and what we are concerned with here is to make the local Native Courts as efficient and as suitable to the communities as possible; and give the native administrations a suitable degree of financial control and a suitable degree of executive authority. That is the object of us all, in the south and in the north. In the north that policy is naturally more developed than in the south, and Sir Kitoyi Ajasa paid a nice and kindly compliment to what he saw at Kano.

I should like to read to you what a young officer wrote twenty-three years ago about one of these Native Emirates. Perhaps you will guess his name:—

"Before 1905 there were only five country courts, situated at Kusada, Mani, Muduru, Rugabadde, and Musawa, respectively. There were of course at that time no coadunated districts. These Alkalis were simply licensed robbers, appointed by the Emir, who made what they could out of anyone who was brought before them, and were made and unmade with great rapidity whenever any Mallam presented himself to the Emir with enough ready cash to buy his appointment."

The person who wrote that was myself. I realise that perhaps in those days I spoke rather impulsively, and I think a good many Members who speak here, speak rather hastily without weighing up the question of policy at all.

The Hon. the Chief Secretary to the Government:—

Sir, I shall not be very long in winding up the debate, because I do not propose to go over the points again which have already been dealt with by my colleagues. The impression left on my mind is that the Honourable Unofficial Members had to search for something with which to find fault. That is very gratifying, because we were quite prepared to find that they had a number of criticisms to make, and as they were not made, we assume it was because they thought there were no serious criticisms.

There were one or two remarks to which I might refer. The Honourable the Commercial Member for Calabar referred to the amount of money spent on Lagos and he seemed to think it was an undue proportion of the revenue. I think he is making a slight mistake there because my feeling is that most of the money spent on Lagos is not for Lagos only, but for the whole of Nigeria. Do not suppose that the moles or the harbour, or the railway are specially for Lagos. If the railway did not exist, not a single groundnut could come from Kano, and if there were no wharves, ships could not take them away. Lagos is the seaport but the money has not been spent on Lagos *per se*, it has been spent for the benefit of Nigeria. The Honourable Member suggested that such municipal amenities as exist in Lagos ought to be paid for by the inhabitants. I quite agree. I know of no other place in the world where the inhabitants pay so much less than they ought, and that is a matter of standing reproach to the Town Council. They make no effort to raise a suitable amount of revenue, and they remain year after year, like the unemployed at home, on the dole.

Colonial Audit applicable to him. ordinary Administrative Officer, realise that native administration audited.

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The Honourable the Commercial Member for Calabar is an optimist and the Honourable the Banking Member is a pessimist. To some extent I agree with both, because one can frame a budget without having waves of depression and elation. As regards the pessimism of the Banking Member, who emphasised the fact that for the last two or three years we have spent more than we have earned, this fact is true, and we do not deny it. If Honourable Members will look at the Estimates for next year, they will find that our revenue and expenditure are about fifty, fifty. I do not agree that because for the last two or three years we have exceeded our revenue therefore we must get into a panic, but what I do insist upon is that not only have we been right to economise this year, but economy must always exist whether we have a surplus or not. I agree with the Honourable Commercial Member for Calabar that we must not get into a panic, but we must be prudent and realise that we must cut our coat according to our cloth. It is no good at all putting our heads under the sand and thinking things will come out all right in the end.

I agree with the Honourable the Commercial Member for Lagos that the big rock we are up against is recurrent expenditure, but we cannot in order to reduce that item take immediate steps to reduce the staff below the point necessary for efficiency, because once you allow trained and experienced men to go away in large numbers, it would be extremely difficult to get them back, and the ultimate cost would be far more than the money saved. However, I agree that the recurrent expenditure is the thing to attack, because it goes on year after year, and it can only be got down to a certain amount below which it is very difficult to reduce it. I think I can safely say that this year we have reduced it to the utmost limit. We have refused to listen to applications for increase in staff, and much less to requests for increases in salary of the existing staff. Of course all this does not appear in the Estimates as the sums actually applied for are not shown.

The Honourable the Commercial Member for Calabar, I think, rather pitied the native administrations in the Eastern Provinces because they did not get a larger share of their revenue. Moreover he did not think Lagos should be sitting so tight robbing them of their dues. The position is that all taxes are levied by Government. Government, however, permits all the native administrations to retain at least fifty *per cent.* and in some cases seventy *per cent.* of the revenue from taxes according to whether they are fully organised or not. In the Western Provinces, for example in the Oyo Province, they are ~~very~~ organised and that is why they get seventy *per cent.* of the money. In the Eastern Provinces they are not yet on their feet and if they did have the money they have not the technical advisers or supervisors to help them to spend it well and wisely, and I agree that we have got to go slowly. At the same time they must not stagnate, and I agree with the Lieutenant-Governor of the Southern Provinces that it would be unwise to let them run before they can walk.

The Honourable the Treasurer mentioned the subject of reimbursements, and I would therefore only refer to the criticism of the Honourable the Banking Member that these items did not appear in our Estimates. Although I admit they do not appear in the Estimates there is not the slightest objection to or reason why they should not appear in the departmental accounts. The Posts and Telegraphs do a great deal of work for Government: they do the whole of the Government telegraph work without one penny of the expenditure being shown, and they would be quite justified in putting all those items in their departmental accounts just as a business concern would. Therefore, although these items are left out of the Estimates we hope and expect that the departments will show, in their annual reports to Government, that they have been taken into account.

I quite agree with the remarks of both the Lieutenant-Governors on the question of auditing native administration accounts. I would remind the Council that the estimates of the native administrations are outside its purview, and Government has no intention of bringing them inside. The estimates are drawn up by the native administrations, guided by the Residents. We are quite satisfied that the supervision they receive is an adequate safeguard against undue latitude.

I have nothing more to say, Sir, except to thank Honourable Unofficial Members for their remarks, and I shall look forward to hearing what they have to say when we go into Select Committee. I move the second reading of the Bill.

The Hon. the Treasurer:—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Chief Secretary to the Government:—

Sir, I move that the Bill be now referred to a Select Committee consisting of the two Lieutenant-Governors, the Honourable Treasurer, all the Honourable Unofficial Members and myself as Chairman.

The Hon. the Treasurer:—

I beg to second the motion.

The Bill was referred to a Select Committee accordingly.

*Council adjourned at 4.20 p.m. sine die.*

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Pursuant to notice  
the Legislative Council  
at 2.30 P.M. on T

His Excellency T  
Sir Graeme T

The Chief Secretary  
The Honourable

The Lieutenant-Governor  
His Honour

The Lieutenant-Governor  
His Honour

The Acting Attorney-General  
The Honourable

The Treasurer,  
The Honourable

The Commandant,  
The Honourable

The Director of Mines  
The Honourable

The Director of Mines  
The Honourable  
C.M.G., D.S.O.,

The Administrator,  
The Honourable

The Comptroller of Accounts  
The Honourable

The Honourable Member  
The Director of

The Secretary for Northern Nigeria  
The Honourable

The Senior Resident  
The Honourable

The Senior Resident  
The Honourable

The Secretary, Southern Nigeria  
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The Secretary, Northern Nigeria  
The Honourable

The Deputy Chief Secretary  
The Honourable

The Senior Resident  
The Honourable

The Senior Resident  
The Honourable

[Jan. 31, 1930.

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Committee.

Committee  
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DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA

ON

Tuesday, 4th February, 1930.

Pursuant to notice the Honourable the Members of  
the Legislative Council met in the Council Chamber,  
at 2.30 P.M. on Tuesday the 4th February, 1930.

PRESENT:—

- His Excellency The Governor,  
Sir Graeme Thomson, G.C.M.G., K.C.B.
- The Chief Secretary to the Government,  
The Honourable Sir Frank Baddeley, K.B.E., C.M.G.
- The Lieutenant-Governor, Northern Provinces,  
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Lieutenant-Governor, Southern Provinces,  
His Honour Mr. C. W. Alexander, C.M.G.
- The Acting Attorney-General,  
The Honourable Mr. J. C. Howard,
- The Treasurer,  
The Honourable Mr. C. W. Leese.
- The Commandant,  
The Honourable Colonel C. C. Norman, C.M.G., D.S.O.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson,
- 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 Administrator,  
The Honourable Major W. Birrell-Gray, C.M.G.
- The Comptroller of Customs,  
The Honourable Mr. W. K. Duncombe,
- The Honourable Mr. E. R. J. Hussey,  
The Director of Education,
- The Secretary for Native Affairs,  
The Honourable Mr. G. S. Browne,
- The Senior Resident, Oyo Province,  
The Honourable Captain W. A. Ross, C.M.G.
- The Senior Resident, Niger Province,  
The Honourable Mr. J. C. C. P. Sciortino
- The Secretary, Southern Provinces,  
The Honourable Major C. T. Lawrence, O.B.E.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem,
- The Deputy Chief Secretary,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton,
- The Senior Resident, Zaria Province,  
The Honourable Mr. C. A. Woodhouse,

- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.  
The Commissioner of Land.
- The Honourable Mr. L. Bettesworth (Provisional).  
The Acting Postmaster-General.
- The Resident, Benin Province (Extraordinary).  
The Honourable Mr. H. de B. Bewley.
- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Mining Member,  
The Honourable Mr. A. L. Butler.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member representing the Niger African Trader  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,  
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,  
The Honourable Mr. S. H. Pearce.
- The Member for the Rivers Division,  
The Honourable Mr. Mark Pepple Jaja.
- The Member for Shipping,  
The Honourable Mr. H. S. Peggetter.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Banking Member,  
The Honourable Mr. L. M. Herapath.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn (Provisional).

#### ABSENT.

- The Senior Resident, Cameroons Province,  
The Honourable Mr. E. J. Arnett, C.M.G.
- The Senior Resident, Adamawa Province,  
The Honourable Mr. G. W. Webster, M.B.E.
- The Senior Resident, Calabar Province,  
The Honourable Mr. E. M. Falk.
- The Resident, Ogoja Province,  
The Honourable Mr. P. A. Talbot.
- The Resident, Owerri Province,  
The Honourable Mr. F. H. Ingles.
- The Resident, Iorin Province,  
The Honourable Mr. H. B. Hermon-Hodge.
- The Acting General Manager of the Railway,  
The Honourable Mr. W. Cramer Bostock.
- The Member for the Ibo Division,  
The Honourable Mr. I. O. Mba.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. L. White.

The Minutes of the Meeting having been printed and circulated taken as read and confirmed.

#### NOTICES OF QUESTIONS

The Hon. the Member for Pepple Jaja:—

Your Excellency, I should like to ask the following question:—

Will Government be pleased to provide for the destruction of the Dispensary at Pepple Jaja destroyed on 15th December 1929?

His Excellency:—

It is technically too late for the notice of the question, but I should like to see what can be done.

The Hon. THE COMMERCIAL MEMBER (Lagos):—

Is it not the case that the majority of the questions asked in the Council could have been easily answered in Council?

If so, will Government form a committee of the Council's time over the question?

The Hon. THE CHIEF SECRETARY:—  
Sir, Replies to the majority of the questions obtained by reference to the Chief Secretary or to the Chief Secretary in which statistics were required have been furnished in most cases in the following manner:

While the Government cannot afford to employ a large number of members of this Council in an unofficial capacity themselves.

It is for consideration whether the Government could be followed in the future in which ask for data—or by written or oral replies are desired.

The Hon. the Chief Secretary:

Sir, I rise to move the following resolution:

Be it resolved: That the Government be granted a sum of £2,375 as a contribution to the exhibit with reference to the Colonial Market held at Antwerp.

I will just outline what I place I may say that it has been better of this Council and they have agreed. That is the reason for the Order of the Day.

In January, 1928, when there would be held in London a year an International Colonial Exhibition, the Secretary of State was asked to contribute to the exhibition.

As I explained in my speech on this Exhibition, the Government are of the opinion that the importance of the Government's contribution to the exhibition is of great importance.

MINUTES.

The Minutes of the Meeting of the 31st January, 1930, having been printed and circulated to Honourable Members, were taken as read and confirmed.

NOTICES OF QUESTIONS AND MOTIONS.

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—

Your Excellency, I should like to give notice of the following question:—

“ Will Government be pleased to replace the Postal Agency and the Dispensary at Opobo Town, that the women destroyed on 15th December, 1929?”

His Excellency:—

It is technically too late for the Honourable Member to give notice of the question, but I shall be pleased to go into the matter and see what can be done.

QUESTIONS.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. WING):—

Is it not the case that the information requested in the majority of the questions asked at the opening meeting of this session could have been easily and more suitably obtained otherwise than in Council?

If so, will Government formulate some scheme to obviate the waste of the Council's time over such questions?

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Sir, Replies to the majority of the questions could have been obtained by reference to the Head of the Department concerned or to the Chief Secretary to the Government. In the cases in which statistics were required more complete details could have been furnished in most cases had the above procedure been followed.

While the Government cannot restrict in any way the privileges of members of this Council it would welcome any suggestion from unofficial members themselves which would effect a saving of time.

It is for consideration whether the procedure in the House of Commons could be followed by issuing written replies to questions which ask for data—or by asking members to indicate whether written or oral replies are desired.

RESOLUTION.

The Hon. the Chief Secretary to the Government:—

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council do approve the grant of £2,375 as Nigeria's share of the expense of a joint exhibit with the Gold Coast at the International Colonial Marine and Flemish Art Exhibition to be held at Antwerp from April to October, 1930.”

I will just outline what this contribution means. In the first place I may say that it has been passed by the Select Committee of this Council and they very properly suggested that it might be better if it was covered by a formal resolution, to which I readily agreed. That is the reason why this resolution appears on the Order of the Day.

In January, 1928, we heard from the Secretary of State that there would be held in Antwerp between April and October this year an International Colonial Marine and Flemish Art Exhibition. The Secretary of State wrote:—

“ As I explained in my despatch (i.e., 1st December, 1927), this Exhibition will form part of the celebrations of the Centenary of Belgian Independence, and His Majesty's Government have felt it their duty, in view of the importance of the occasion, to accept the Belgian Government's invitation to participate. Antwerp is not

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“only a centre of important British interests, but is also by tradition friendly to this country. From a business point of view I understand that the Exhibition, which is to be mainly Maritime and Colonial, should be of particular interest. Over twelve thousand vessels entered the port in 1926, and of these, I am informed, some fifty *per cent.* flew the British flag. In addition to these shipping interests, Antwerp, as a port of transit for a large hinterland, and as a distributing centre and market for many Colonial products, offers special opportunities to producers in the Dominions and in the Colonies, Protectorates, and other Dependencies.”

Further on he states:—

“I may mention that the Department of Overseas Trade is of opinion, having regard to the actual expenditure which has been incurred at exhibitions in which the department has participated in recent years, that effective participation at Antwerp could be secured at an inclusive cost of £2 per square foot.”

The next step was to consider whether we should have a joint exhibit with one or all of the West African Colonies, and we informed the Secretary of State that we were investigating that point. We accordingly wrote to the Governors of the other West African Colonies for their views. Sierra Leone and the Gambia could not participate, but the Gold Coast agreed to do so, and it was arranged that Colonel Levey, Director of the Gold Coast Bureau in London, should have charge of the joint exhibit at Antwerp on behalf of both Colonies.

Colonel Levey has reported the likely cost and also the scope of the exhibit, and I will read one or two extracts from his report:—

“The space taken on behalf of the two Colonies amounts to 800 square feet and is in the best position in the British Pavilion Building. I should like to point out that the British Government are spending a sum of £100,000 on the erection of the Pavilion. This relieves the British participants of the expense of constructing their own stands which is a very big saving.”

He goes on further to say that there are two special Courts provided, one for Nigeria and one for the Gold Coast allocated free of cost by the organisers of the Exhibition. It is proposed to exhibit the following:—

“Cocoa, cotton, groundnuts, palm oil, palm kernels, hides and skins, tin, mahogany and rubber.”

“In addition there will be a general display of native arts and crafts, pictures and maps depicting the progress and development of the Colonies and reels of films will be shown in the Cinema Hall daily.”

Colonel Levey also pointed out that the total estimated cost of the joint exhibit was £4,750, and as we have agreed to share half the cost with the Gold Coast, our share will therefore be £2,375, and this is the amount entered in the resolution.

I beg, Sir, to move the resolution standing in my name.

The Hon. the Treasurer:—

I beg to second the motion.

*The resolution was carried unanimously.*

#### BILLS.

#### THE POLICE ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled “An Ordinance to make provision for the organisation, discipline, powers and duties of the Police” be read a second time. As Honourable Members are aware the police forces of Nigeria have recently been amalgamated, and the object of this Bill is to alter the wording of certain clauses of the old Police Ordinance which were inconsistent with having only one Police Force for the whole of the country. The chief clause which is altered is clause 7 in which provision is made for the administration of the police in the Northern and Southern Provinces to be vested in an Assistant Inspector-General at each Headquarters.

The Bill amended the reference to the Finance.

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The Bill also consolidates all the Police Ordinances which have  
amended the original Ordinance from time to time, and thus makes  
reference easier for those people who have to deal with the Ordinance.

The only other alteration is that the provisions of clause 16 are  
extended to convictions which take place in territories under British  
mandate, that is to say, to the British Cameroons. I do not think  
any further explanations of the provisions of the Bill are needed,  
and I therefore move that the Bill be read a second time.

The Hon. the Acting Postmaster-General:—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the  
Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment,  
the Council resumed, and on the motion of the Honourable the  
Acting Attorney-General, seconded by the Honourable the Acting  
Postmaster-General, the Bill was read a third time and passed.

#### THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to amend  
the Motor Traffic Ordinance, 1927" be read a second time.

This Bill is consequential on the amalgamation of the two Police  
Forces in Nigeria. There is no occasion for me to explain the  
provisions for they are fully explained in the Objects and Reasons.

The Hon. the Commissioner of Lands:—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the  
Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment,  
the Council resumed, and on the motion of the Honourable the  
Acting Attorney-General, seconded by the Honourable the Com-  
missioner of Lands, the Bill was read a third time and passed.

#### THE SHERIFFS (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to amend  
the Sheriffs Ordinance" be read a second time.

This Bill, Sir, is also consequential on the amalgamation of the  
Police Forces and it provides for each Assistant Inspector-General  
of Police being a deputy sheriff in and for that part of Nigeria for  
which he is responsible, and having under his control the other  
deputy sheriffs stationed there.

The Hon. the Director of Agriculture:—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the  
Bill clause by clause.

*Council in Committee.*

*Clause 3*

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

Sir, I beg to move that in sub-section (3) of new section 4 the word "where" be deleted and "when" substituted.

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

I beg to second the motion.

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Agriculture, the Bill as amended was read a third time and passed.

**THE WEIGHTS AND MEASURES (AMENDMENT) ORDINANCE, 1930.**

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

Sir, I rise to move that a Bill entitled "An Ordinance to amend the Weights and Measures Ordinance" be read a second time. This Bill provides for two amendments, one of which is consequential on the amalgamation of the Police Forces, and the other is consequential on the move of the Headquarters of the Southern Provinces Secretariat to Enugu. In regard to the latter it is considered that the Secretary, Southern Provinces is no longer a suitable person to have the custody of a key of the receptacle in which the Nigerian standards of weights and measures are kept. In the circumstances it is considered that the Chief Secretary is the most suitable person to have these keys in conjunction with the Treasurer.

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

I beg to second the motion.

*Bill read a second time.*

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

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Public Works, the Bill was read a third time and passed.

**THE CHANGE OF TITLES ORDINANCE, 1930.**

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

Sir, I rise to move that a Bill entitled "An Ordinance to provide for the Change of Official and Departmental Titles appearing in Enactments" be read a second time.

A decision has lately been made to change the title of the Sanitary Department to "Health Department", as the latter term is considered to be more in accordance with modern ideas. The change naturally involves the alteration of various titles which appear in Nigerian Legislation, and this Bill gives effect to these changes. In order to obviate the necessity of coming to the Legislature every time a change of title is made, there is also a provision that such changes in future can be effected by Order-in-Council, and I think Honourable Members will agree that is a very necessary provision, and will save taking up the time of the Legislative Council over such small matters.

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

I beg to second the motion.

*Bill read a second time.*

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

Sir, I beg leave to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, the Bill was read a third time and passed.

## THE LUNACY (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to amend the Lunacy Ordinance" be read a second time.

Sir, this Bill is consequential on the change of title of the Sanitary Department, but the wording of the Bill which has just been passed would not fit in with what is required in connection with the section dealing with the appointment of persons as visitors to asylums, and it is considered that all registered medical practitioners in the service of the Government, whether health or medical, are the persons to be appointed by law to be visitors of an asylum.

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

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, the Bill was read a third time and passed.

## THE PUBLIC HEALTH (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to amend the Public Health Ordinance" be read a second time. This Bill is also consequential on the change in title of "sanitary officer", but the Change of Titles Bill will not provide for the proper wording of this section of the Public Health Ordinance.

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

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

I beg to move, Sir, that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, the Bill was read a third time and passed.

## THE ADMINISTRATION (FOREIGN EMPLOYMENT) (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Administration (Foreign Employment) Ordinance" be read a second time. An Official Administrator and Public Trustee has now been appointed for Nigeria, and it is considered that the duties of the official administrator of the estates of persons within the ambit of this Ordinance should be carried on by him and not by the Chief Registrar of the Supreme Court as is provided in the principal Ordinance. This Bill gives effect to this decision.

The Hon. the Senior Resident, Oyo Province:—

I beg to second the motion.

*Bill read a second time.*

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

I beg to move, Sir, that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Senior Resident, Oyo Province, the Bill was read a third time and passed.

**THE HARBOUR DUES (AMENDMENT) ORDINANCE, 1930.**

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

Sir, I rise to move that a Bill entitled " An Ordinance to amend the Harbour Dues Ordinance " be read a second time. The object of this Bill is to rectify a mistake that was made when the Harbour Dues Ordinance No. 20 of 1926 was passed, and the Lagos Harbour Dues Ordinance was repealed. Under the original Lagos Harbour Dues Ordinance only cargo passing from the sea through Lagos port and then on to another port was charged harbour dues. On the other hand when the repealing Ordinance was passed it provided that cargo passing from the sea through other ports should also pay these harbour dues. That was never the intention of the Government. For instance it was not considered that cargo passing from Degema to the sea *via* Port Harcourt and vice versa should be liable to pay these charges, but only when goods are landed or shipped at Port Harcourt itself. This Bill provides that only cargo passing through Lagos should pay these dues.

**The Hon. the Director of Marine :—**

I beg to second the motion.

*Bill read a second time.*

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

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Marine, the Bill was read a third time and passed.

**THE NELL PENSION ORDINANCE, 1930.**

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

Sir, I rise to move that a Bill entitled " An Ordinance to make special provision in regard to the Pension of Leonard Nell " be read a second time. Mr. Nell, Sir, who is an official employed by the Government in the Nigeria Railway Department, was engaged on a railway construction agreement. He arrived in Nigeria on the 31st January, 1914, on which date he was given an appointment as open lines officer whilst the substantive officer holding that appointment was seconded for special duty. In view of the fact that the substantive holder of the appointment was qualifying for pension during the period Mr. Nell occupied his position as an open lines officer, Mr. Nell's service could not count for full pension under regulation 10 of the First Schedule of the European Officers' Pension Ordinance. This Bill prevents Mr. Nell from being penalised in this way. There are precedents for an enactment of this nature derived from the Bills passed in the cases of the present Chief Secretary and the present Deputy Chief Secretary.

**The Hon. the Treasurer :—**

I beg to second the motion.

*Bill read a second time.*

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

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Treasurer, the Bill was read a third time and passed.

THE APPOINTMENT AND DEPOSITION OF CHIEFS ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to provide for the appointment and deposition of Chiefs of the Colony and Head Chiefs in the Protectorate" be read a second time. This Bill, Sir, was gazetted on the 24th October, 1929, and it immediately became the object of attacks by a certain portion of the Press which focussed their attention upon it. The leaders of the Press were given to understand that there was something really revolutionary in character, something which attacked the liberty of the British subject, a measure of injustice that should be resisted to the utmost by 10,000,000 Nigerians, and that the Government would be inundated with petitions which, if unheeded, would in time find their way to the Secretary of State. One paper went so far, in order so I presume, to show with what derision it should be treated and in what contempt it should be held, as to give it the name of the "Howard Bill." I am not giving away State secrets when I say that the draft as it first appeared was not done by myself, but was done by someone who is not generally recognised as a person who would trample on the liberties of the British subject.

Time went on, Sir, and as the provisions of the Bill were properly considered by the representatives of the people, it became obvious that there was no such overwhelming opposition on the part of the people of Nigeria to the provisions of the Bill, and the Government was not inundated with petitions and objections on behalf of the persons affected. One could only conclude from the Press complaints which were started that the Government itself had given so little cause for dissatisfaction that the section of the Press which might be designated generally as "anti-Government", seized on this opportunity to develop a raging propaganda against the Government. The Press was apparently so hard up for news that it must seize on to some favourable object with which to attack the Government.

In moving the second reading of the Bill, I hope I shall be able to convince Honourable Members that it represents no attack on the liberty of the British subject and moreover makes no change whatsoever in the position of those persons who are affected by the provisions of the Bill. It is a measure which is absolutely necessary for the peace and well-being of this country, and is one which should have been put on the Statute book many years before.

I now come to consider what is the position with regard to the matter which is contained in this Bill. There is no Nigerian Ordinance which provides for the appointment and deposition of Chiefs, neither is there any Nigerian Ordinance which regulates the relations between the Nigerian Chiefs and what I will call the suzerain power, or the Nigerian Government. If we want to know how Chiefs are appointed and how they are deposed, we have to go to native law and custom to find out. If we want to know what are the precise relations which exist between the suzerain power and the Chiefs, we also have to go to native law and custom to find out. Unfortunately, however, there is no standard work on native law and custom obtainable, and there is no book to which we can refer in order to find out what native law and custom actually is with regard to these matters. There is therefore a considerable amount of uncertainty when any case requires consideration as to what those relations really are. The Government considers the time for codification has arrived, and that the law should state in black and white what are the relations which exist between the Nigerian Government and the Chiefs in the Colony, and the Nigerian Government and the First-class Chiefs in the Protectorate. Unfortunately we cannot lay down precisely in what way native customs should be applied by those who are entitled to apply them, or who are the persons entitled to apply such customs, inasmuch as they vary in each particular province or district. There is nothing unusual in the codifying of a law of this nature, and I can give many examples in which English law has been codified in the same way. Statutory recognition has been given time and time again to the Common law in England which itself is derived from

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The Hon. the Acting Attorney-General:—

I beg to move, Sir, that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Senior Resident, Oyo Province, the Bill was read a third time and passed.

#### THE HARBOUR DUES (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to amend the Harbour Dues Ordinance" be read a second time. The object of this Bill is to rectify a mistake that was made when the Harbour Dues Ordinance No. 20 of 1926 was passed, and the Lagos Harbour Dues Ordinance was repealed. Under the original Lagos Harbour Dues Ordinance only cargo passing from the sea through Lagos port and then on to another port was charged harbour dues. On the other hand when the repealing Ordinance was passed it provided that cargo passing from the sea through other ports should also pay these harbour dues. That was never the intention of the Government. For instance it was not considered that cargo passing from Degema to the sea *via* Port Harcourt and vice versa should be liable to pay these charges, but only when goods are landed or shipped at Port Harcourt itself. This Bill provides that only cargo passing through Lagos should pay these dues.

The Hon. the Director of Marine:—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Marine, the Bill was read a third time and passed.

#### THE NELL PENSION ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to make special provision in regard to the Pension of Leonard Nell" be read a second time. Mr. Nell, Sir, who is an official employed by the Government in the Nigeria Railway Department, was engaged on a railway construction agreement. He arrived in Nigeria on the 31st January, 1914, on which date he was given an appointment as open lines officer whilst the substantive officer holding that appointment was seconded for special duty. In view of the fact that the substantive holder of the appointment was qualifying for pension during the period Mr. Nell occupied his position as an open lines officer, Mr. Nell's service could not count for full pension under regulation 10 of the First Schedule of the European Officers' Pension Ordinance. This Bill prevents Mr. Nell from being penalised in this way. There are precedents for an enactment of this nature derived from the Bills passed in the cases of the present Chief Secretary and the present Deputy Chief Secretary.

The Hon. the Treasurer:—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

The Bill having passed through the Council resumed, the Acting Attorney-General, the Treasurer, the Bi

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Sir, I rise to move for the appointment of the Head Chiefs in the Bill, Sir, was gradually became the Press which focused Press were given revolutionary in of the British subject to the utmost by would be in a time and their far, in order so treated and in name of the "E when I say that but was done person who would

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"A new Bill entitled the appointment and deposition of Chiefs, 1930, proposes to empower the Governor to appoint and depose any head chief or chief of any kind in Nigeria. It is a tremendous innovation which, in our view, aims at the destruction of the very soul of the people and must be vigorously opposed. The Ordinance would deprive the people of inherent rights and no good to the people can come from it. When the Governor appoints and deposes chiefs as he likes or chooses what stability will our customs have, what authority will the people have over their chiefs, and what respect do the Government consider the people will have for Government appointed chiefs within or outside the lines of regular succession? In Great Britain lines of regular succession to chieftaincies are jealously guarded whilst in our country lines of succession are to be shattered. An Ordinance like the one in question which proposes to deprive the people of inherent rights, appears an exhibition of force, naked and unashamed."

Is there anything in the Bill which does that? It is absolutely inaccurate to say that the Government intends to take from the people their inherited rights to appoint their own Chiefs. This Bill lays it down in black and white that the people have the right to appoint their Chiefs, and the Government is only going to step in when those who are entitled to select fail to exercise those rights, or exercise them in an improper way.

It must be remembered that Chiefs are part of the machinery of Government. The Government is dependent for its administration on the assistance it derives from these Chiefs: moreover, there is no proper franchise for their selection in Nigeria, and it is absolutely essential that the Government should at any rate, even if it has not the actual power of appointment, which it does not desire, exercise some control by approving the appointment, and also vetoing an unsuitable appointment if made. Such approval by the suzerain power is nothing new, and I think I am right in saying that the history of Nigeria and of Lagos itself gives many instances in which Chiefs who were appointed received the approval of the suzerain power before they could function: It might for instance be said that the old Kings of Lagos, before they could function, had to receive the approval of the suzerain power of Benin.

I now come, Sir, to section 4 which deals with deposition. The position with regard to deposition is somewhat different from what it is with regard to appointment, and I think I am right in saying it has been generally recognised that the Government has always exercised the power of deposition throughout Nigeria. It has never exercised that power in a captious or haphazard manner, and has only exercised it when the Chief to be deposed was becoming a danger to the community, either because he was not functioning properly, or for some other perfectly good reason. It is obvious that the deposition of Chiefs must be controlled by the Government in view of the fact that they are a part of the system of Government. If the power to depose a Chief were to be controlled only by some indefinite body, the whole administration of the Government could be stultified. In the same way if a Chief was obviously unsuitable and was not using his power properly, a refusal on the part of this indefinite body who had selected him, to depose him, might result in considerable mal-administration, and I think Honourable Members will agree that this power given to the Governor to depose a Chief if such deposition is required by native law and custom, or in the interests of peace, good order and good government, is one that is absolutely essential.

I have dealt so far with two of the objections which have been made to the enactment of a measure of this nature. The first was that there was no necessity for such a measure, and the other was that the Government was allocating to itself powers to appoint which are properly invested by native law and custom in the people themselves, and I think I have dealt with both these objections satisfactorily.

The last point to which objection has been taken to the enactment of the Bill is that when a Chief has been appointed by native law and custom, the Governor is constituted the sole judge of native law and custom, and I shall hope to answer the objection raised on that point in a satisfactory manner as well. The Press has also

gone wild over this provision, and as these criticisms are probably the same as Honourable Members who are opposing the Bill will use in bringing forward their objections during the debate, I should just like to read one or two extracts:

"The Bill seeks to make the Governor of Nigeria the sole judge of native law and custom in this country governing the succession and selection of Chiefs and Head Chiefs while it also seeks to invest the Governor with plenary power, himself to select and appoint such person as he, the Governor, may deem fit and proper as the successor to any Chieftaincy or Head Chieftaincy throughout this Colony and the Southern Protectorate of Nigeria, thereby overriding the popular votes of about ten millions of His Majesty's loyal negro subjects in the Colony and the Southern Provinces over which area it is proposed now to enact this revolutionary Bill early next year; it seeks to wrest from the Supreme Court of Nigeria the power vested in that Court of Law and Justice as provided for by Statute, to observe and enforce the observance of native law and custom when applicable in matters or causes where the parties thereto are natives; or in matters between natives and non-natives, where it may appear to the Court that substantial injustice would be done to either party by a strict adherence to the rules of English law; it seeks, therefore to deprive 10,000,000 African subjects of His Most Excellent Majesty the King of the right of applying to His Majesty's Law Courts in Nigeria for redress and justice in so vital a matter governed by native law and custom and precludes them from the right of Appeal to His Majesty in Council by petition from the Court of Nigeria to the Privy Council in London on appeal from a local decision upon so serious a matter to them as the appointment and selection and deposition of their natural rulers to whom they owe, without doubt, traditional allegiance: and lastly, it seeks, by creating the Governor 'the sole judge,' whose decision will therefore be final and conclusive, boldly to deprive His Majesty the King of His royal prerogative as no appeal could henceforth lie by petition to His Most Gracious Majesty who is the fountain and distributor of justice, and the supreme Conservator of the Peace of the British Realm."

The assumption which this and other Press articles have made is that the Governor, by this provision constituting himself the sole judge of native law and custom in this connection, is ousting the jurisdiction of the Supreme Court of Nigeria. I say, Sir, that is an absolute fallacy. The jurisdiction of the Supreme Court of Nigeria is laid down by section 11 of the Supreme Court Ordinance which gives to the Supreme Court of Nigeria the same jurisdiction as is exercised, with one or two exceptions, in the High Court of Justice in England. Section 18, which refers to the application of native law and custom, does not extend that jurisdiction of the Court, but is description as to the manner in which the Court may exercise its functions. If a claim to a chieftaincy is not cognisable by the High Court of Justice, it is not cognisable by the Supreme Court of Nigeria.

There was a case *Cowley v. Cowley*, which came before the House of Lords in 1901, and here I would remind Honourable Members that the House of Lords is the highest tribunal in the land. It was claimed that a dignity was not cognisable by any Court of Justice as it was not connected with a Court of Law. I will cite one or two passages:

Lord Halsbury in his judgment stated:—

"What jurisdiction has any Court of Law to determine a question of a dignity. I am not aware of any such jurisdiction."

This, Sir, settles that a chieftaincy is a dignity and it has already been held to be so by a case decided in the Nigerian Courts, a case with which all Lagos Members here are probably familiar, *Adanji v. Hunwole*, reported in the first volume of the Nigeria Law Reports, where it was held that the Supreme Court of Nigeria could not have any cognisance of a claim to a chieftaincy. Therefore I maintain that all this talk about ousting the jurisdiction of the Courts by giving this power to the Governor is based on a fallacy;

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for assuming for one moment that a Chief had been appointed by native law and custom and objectors to such appointment maintained that native law and custom had not been properly applied in the selection of that Chief, and they were to go to the Supreme Court of Nigeria and ask for a declaration that the Chief had not been properly appointed, they would be non-suited.

In a recent case also Mr. Justice Tew, respect for whom as a Judge in this country is almost universal, said:—

"I may say at once that I am satisfied that the question whether a person is a native chief, or whether he has been elected to or deposed from that position, is one with which a Court cannot deal, at any rate directly."

So much, Sir, for the question of making the Governor the sole judge of native law and custom, and I hope I have convinced Honourable Members that in view of the fact that the Courts are not cognisable of such a question, the Governor is a proper person who should be such a judge. Honourable Members only the other day were inviting us, on a question concerning the judicial system, to seek our inspiration from other West African Colonies. There is an Ordinance of a similar nature in force on the Gold Coast, and I would ask Honourable Members who invite us to follow the other Colonies, to consider the analogy of the Gold Coast in this case.

Finally, Sir, I would emphasise that this Bill does not represent any encroachment on the liberty or privileges of the natives of Nigeria, and that no jurisdiction of the Court is being ousted, but it is a proper measure, and one that is urgently required, and one which I commend to the consideration and, I hope, the support of all Honourable Members of this Council.

The Hon. the Secretary for Native Affairs:—

I beg to second the motion.

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—

Your Excellency, I thank the Honourable the Acting Attorney-General for the effort he has made to win the support of the Members of this Council in favour of this Bill. He has now represented the Government side, and I hope to take this opportunity to represent the people's views on this Bill. In doing so, Sir, I shall move as an amendment:

"That consideration of the Bill be postponed for six months."

I am moving the amendment with a considerable amount of trepidation because the indications are that this is one of those Bills which Official Members are pledged to support. If this is so, then it is obvious that all the efforts on our part would meet with very little consideration, and it is not likely to succeed in securing one vote from that side of the House, even though some of the Official Members may be convinced of the righteousness of our cause.

One thing I do know, Sir, and I say it with due deference to what we have heard from the Honourable the Acting Attorney-General, and that is the people do feel that if this Bill were to be placed on the Statute book of the Colony, it would in its operation certainly deprive the people of their rights to appoint a Chief, will deprive the Supreme Court of Nigeria of its jurisdiction of ascertaining and determining native law and custom in the appointment and deposition of Chiefs, and thereby will deprive the King of the Royal prerogative of listening to appeals from his subjects. I quite agree, Sir, that it is desirable, particularly for a Colonial Governor, to be invested with a fair amount of power, but I think it is also generally agreed that wide powers conferred on any one individual may lead to very great dangers. To show you that an opinion of this nature is not confined to British West Africa, I shall, with your permission, Sir, read a portion of an article which appeared in the *New Daily Chronicle* of Georgetown, British Guiana, where I believe Your Excellency has laboured. The article appeared in the issue of the 1st October, 1929, under the caption of "Dangerous Power", and states that:—

"Wide power conferred on anyone is always a danger. It is well known that we hold every Colonial Governor a suspect; not because all Colonial Governors are mediocre—because they are not—but because all Colonial Governors are clothed with power that ought to be enjoyed only by super men, but unfortunately very few human beings are super men."

If all Governors were absolutely perfect there would be few powers we would not clothe them with. The right to make laws, raise taxes, and certify expenditure, would be but a few of the privileges that might be conferred upon a Governor whose course was illuminated by infinite wisdom. But how few will fill that bill can easily be determined by a glance at the records in this or any other Colony. Instances are abundant ranking from the petty spitefulness of one Governor to the tragic vindictiveness of another.

On that score alone, Sir, I am appealing to you not to accept the generous offer by means of which this Bill, in its operation, will invest you with the power of being sole judge of what is native law and custom in a matter of such vital importance in the institutions of the country as the appointment and deposition of Chiefs. As the Honourable the Acting Attorney-General has intimated, ever since this Bill was published, the righteous indignation of almost the entire African community has been aroused, so much so that there is hardly a local politician who has not written in terms of the strongest condemnation of the principles underlying the Bill. At a meeting at the Glover Memorial Hall, in order to protest against the measure, every one of the 3,000 odd persons who were present very seriously supported a resolution requesting their representatives in this Council to appeal to Your Excellency, using all the emphasis at our command, beseeching you, to drop the Bill, because—in spite of what we have been told that if the Bill becomes law the people will not lose their rights—it is definitely stated that the object would be one and the same, whether the people appoint their Chiefs subject to the approval of the Governor, or whether the Governor appoints the Chiefs himself.

Your Excellency, there are instances in the Eastern Districts of the Southern Provinces where Chiefs are appointed wholly and solely on the authority of the Governor. Those Chiefs, Sir, some of whom are unfortunately ex-convicts, are not the natural rulers of the people, but they are appointed over the heads and against the wishes of the people over whom they are expected to rule, and the result has been in almost every case one of widespread dissatisfaction, because in every instance of misconduct and mis-rule, the people themselves are powerless to act. Your Excellency, I submit that the right to appoint and depose Chiefs is an immemorial one which the people have enjoyed long before the Colony came under British rule, and which they have continued to enjoy since the British occupation. Further, Sir, the Supreme Court of the Colony has had conferred upon it by the Supreme Court Ordinance the jurisdiction to ascertain and determine native law and custom in appointing and deposing Chiefs. By virtue of that jurisdiction, the people have secured for themselves the right to take their appeals whenever necessity presented itself, to the Privy Council. The true constitutional procedure that obtains in this part of the country in the appointment and deposition of chiefs is a simple one. The Chief is appointed by a majority vote of the people, and after appointment he is taken to the Governor for the Governor's approval and for official recognition. The withdrawal of official recognition at any time does not deprive the Chief of his right to be a Chief, therefore it would appear that that official recognition is merely formal, and I think it is on that fact that native law and custom is based, because it means that the Chiefs derive their power from the will and consent of the people. When that will and consent has taken a concrete shape in the appointment of the Chief, certain rights and obligations follow thereby, which, for the purpose of simplicity I have tabulated thus:—

The right of the Chief elected to observe the ceremonies attaching to the chieftaincy;

The right of the Chief elected to claim obeisance and allegiance from the people, subject to his good conduct and behaviour; and

The obligation of the people—the sole fount and source of the Chief's authority—to observe and perform the customary rites of obeisance and allegiance.

That is to say, the people having of their own free will and accord appointed their Chief, they have become morally and constitutionally bound to render him obeisance and allegiance, but at the same time knowing that, if he misbehaves himself, they have it in their power to depose him.

Now, Sir, what do you mean by depriving the people of their own Chief? The Governor does not stand. It also provides jurisdiction by native custom in this matter is from the point because by making Court of its jurisdiction jurisdiction it provides King in Council prerogative, an Executive not given in the Ap...

The question, worrying our minds particularly anxious heads of the people their privilege and custom, and Sir, that in the Attorney-General's abuse. Is it to be gross acts of police be passed over the the Honourable tion of any such the exercise of it has abused that tions to that effect itself in some d means to an end question, it will for me to refer "Eleko Case" been contesting rights even if r during one of of the Governm Supreme Court sole judge of native Judge stoutly which the follow

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Submit, S... is necessary.

Now, Sir, what does this Bill seek to establish? It proposes to deprive the people of their rights, because it provides that if the Governor does not approve of the election of the Chief, it does not stand. It also proposes to deprive the Supreme Court of its original jurisdiction by making the Governor sole judge of native law and custom in this matter. A Bill, Sir, with that principle behind it, is from the point of view of the community a dangerous one; because by making the Governor sole judge, it deprives the Supreme Court of its jurisdiction, and by depriving the Supreme Court of its jurisdiction it prevents the people from taking their appeals to the King in Council, which is in itself an abridgement of the Royal prerogative, an abridgement which has already been denied by this Executive not very long ago in the judgment of the Privy Council given in the Apapa Land Case.

The question, Sir, that naturally arises, and that has been worrying our minds, is why is the Government so suddenly and so particularly anxious to pass a measure of such a nature over the heads of the people? Is it because the people have abused their privilege of electing their Chief according to native law and custom, and have abused their privilege repeatedly? I submit, Sir, that in the opening speech of the Honourable the Acting Attorney-General there was no definite indication of any such abuse. Is it because the people have been repeatedly guilty of gross acts of political blunders, and therefore such a measure is to be passed over their heads? I say again, Sir, that in the opinion of the Honourable the Acting Attorney-General there was no indication of any such blunders. Is it then that the Supreme Court, in the exercise of its jurisdiction in determining native law and custom has abused that jurisdiction? I say, No, Sir, there are no indications to that effect. Is it then because the Government has found itself in some difficulty and is therefore devising this measure as a means to an end? In reply to that, and in order to examine that question, it will be necessary, if Your Excellency will allow me, for me to refer to that great and celebrated case, now known as the "Eleko Case" in which the parties concerned have since 1925 been contesting an important constitutional principle affecting their rights even if not their liberties. It will be remembered, Sir, that during one of the phases of that case, the officer acting on behalf of the Government attempted to encroach on the jurisdiction of the Supreme Court by submitting the proposal that the Governor is sole judge of native law and custom, a proposal which the presiding Judge stoutly contested in the judgment which he delivered, in which the following appeared:—

" Is the Governor the sole judge of what native law and custom is on this point?"

" The language of the Ordinance does not support such a contention. Native law and custom is constantly administered by this Court, and the Court is bound by statute to observe and enforce it in cases where it is applicable."

Judge Tew went on further to say:—

" As I have said there is nothing in the Ordinance to suggest that the Governor is the sole judge of native law and custom, and I do not know on what other grounds such a proposition could be maintained."

Sir, as this proposal failed then, I submit it ought to fail now, otherwise with all due deference to the Honourable the Acting Attorney-General, it will seriously impair the faith of the people in those traditional principles of right with which they have been accustomed to regard British administration.

Your Excellency must have read Lord Hewart's "New Despotism" in which the following appears:—

" Not merely in Great Britain, but in the Dominions—and I may add in the Colonies—there is a rising feeling of hostility to legislation by Government Departments, except in cases plainly necessary."

I submit, Sir, that this is not a case in which any such legislation is necessary.

Chapter 7 of that book is the most valuable from the view point of those of us who are natives of West Africa. In that chapter, when dealing with what Lord Hewart describes as "The Independence of the Judiciary" he states as follows:—

"The whole scheme of self-government is being undermined, and that, too, in a way which no self-respecting people, if they were aware of the fact, would for a moment tolerate."

"Much toil, and not a little blood, have been spent in bringing slowly into being a polity wherein the people make their laws, and independent judges administer them. If that edifice is to be overthrown, let the overthrow be accomplished openly."

"The old despotism, which was defeated, offered Parliament a challenge. The new despotism, which is not yet defeated, gives Parliament an anaesthetic. The strategy is different, but the goal is the same. It is to subordinate Parliament, to evade the Courts and to render the will, or caprice, of the Executive unfettered and supreme."

"Every student of history knows that many of the most significant victories for freedom and justice have been won in the English Law Courts, and that the liberties of Englishmen are closely bound up with the independence of the judges."

"There have been, in the long course of English History, periods and occasions when the Executive has endeavoured, not entirely without success, to control and to prevent the course of judiciary decision."

"But vital as the independence of judges has always been, there never was a time when it was more manifestly important than in these latter days when the effect of so much that the Executive does or permits is to render it difficult for the courts to maintain the rights of the individual."

"Despotism may be no less sinister, and perhaps even more mischievous, if it acts under the cloak of parliamentary form than when it seeks to act in direct opposition to Parliament."

"The official course might be so much more smooth and the official arm might be so much more powerful, if there were no troublesome Law Courts to stand between the Executive and the individual, between the Crown and the taxpayer."

Further, Sir, in an article in *The Times* published in London in 1927, Lord Hewart wrote the following:—

"Has there not been during recent years, and is there not now, a marked and increasing development of bureaucratic pretensions, the essence and the aim of which are to withdraw, more and more, matters and topics from the jurisdiction of the Courts and to set them apart for purely official determination? . . . Another way is to confer upon a Government Department power to make rules and regulations which, when they are made, are to have the force of a statute. And yet a third way is by statute to empower a Government Department, to make orders for the removal of difficulties (as evidently is the case in this instance, Your Excellency) as it is pleasantly called, and actually for that purpose even to modify the provisions of the State itself."

Sir, I believe Lord Hewart to-day is the highest judicial authority in the land, but I must respectfully submit no Colonial administration ought to initiate or support a measure which in our opinion is so severely condemned. Before I sit down, Sir, I beg Your Excellency's leave to allow me to quote myself in an appeal to you even though in doing so I may be considered so irrelevant as to incur the displeasure of the Attorney-General. In addressing the public meeting to which I have already referred, I reminded the audience that:—

"The loyalty of Nigeria is undoubtedly proverbial; and this in itself ought to call from our over-lords the obligation of not interfering with our immemorial rights especially in matters that appertain to our liberty."

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“ And if we seem at any time, as we may do now, to develop  
 “ an unusual bump, or to manifest an almost religious  
 “ tenacity, for the principle known as ‘ The Liberty of the  
 “ Subject ’, it is because we have been reared under those  
 “ benign principles of British justice and fair-play which  
 “ became a household word the world over during the  
 “ Victorian Era.

“ For it was the reputation and the generously considerate rule  
 “ of the late and good Queen Victoria of blessed memory,  
 “ that induced not only our forefathers, but all the other  
 “ races, to gather themselves together under the folds of  
 “ the Union Jack and invite the protection of the British  
 “ Crown.

“ To-day it seems that the powers that be have forgotten,  
 “ or have found it convenient to forget, the circumstances  
 “ under which the British Empire attained to its present  
 “ dimensions. The powers that be seem to have for-  
 “ gotten that the principle of political righteousness was  
 “ the deciding factor which characterised the dealings and  
 “ the relationship of Great Britain with the natives of the  
 “ various subject dependencies; so much so that it would  
 “ seem to-day that we are in danger of seeing these sacred  
 “ principles of Trusteeship substituted by those of  
 “ Exploitation. Nevertheless, we still have unlimited  
 “ faith in the conscience of the British nation as a whole.”

Your Excellency, I beg most respectfully formally to move my amendment that consideration of this Bill be postponed for six months.

His Excellency:—

The amendment before the Council is “ that consideration of the Bill be deferred for a period of six months.”

The Hon. the Second Lagos Member (Mr. E. O. Moore):—

Your Excellency, I do not intend to make a very long speech, but I rise to second the motion that this Bill be read this day six months. I should first of all like to refer to the speech of the Attorney-General, who said that this Bill was gazetted as far back as October, 1929. I think it was because Government realised the importance of this Bill that they published it so far back, thus inviting criticism from the Press, and I therefore think it is rather unfair on the part of the Attorney-General to say that the Press were unjustified in their criticisms. I consider they were entitled to criticise the Bill, and I think every paper in Lagos, with the exception of the *Nigerian Pioneer* controlled by the Honourable Member for the Colony Division, took the opportunity to do so. To show that that criticism was justified, the Honourable the Acting Attorney-General himself has framed an amendment which has just been handed round which says:—

“ Upon the death, resignation or deposition of any Chief in the  
 “ Colony or of any Head Chief in the Protectorate the  
 “ Governor may approve as the successor of such Chief or  
 “ Head Chief, as the case may be, any person appointed in  
 “ that behalf by those entitled by native law and custom  
 “ so to appoint in accordance with native law and custom.”

and so on. That is the amendment before the House, while the original Bill stated:—

“ . . . the Governor may appoint as the successor of such  
 “ Chief or Head Chief, as the case may be.”

I think, Sir, that amendment shows that the criticism of the Press was fully justified.

In the first place, Sir, assuming this measure was necessary, I think the time selected by the Government in producing it, is most inopportune. My honourable friend the First Lagos Member and also the Honourable the Acting Attorney-General referred to a case which has been going on in the local Law Courts for some years past. Every Member of the Council knows that case went to the Privy Council, and I make bold to say that if nothing else has been gained by that case, the important constitutional advantage has been gained, not for the benefit of the community of Lagos



alone, but for the benefit of every British subject, that every man who is detained, on a writ of *habeas corpus* has the right to go not only from court to court, but from judge to judge. That was the judgment given by the ex-Lord Chancellor.

Why should Government have selected such a time to pass an Ordinance such as this? I say it is confirming the suspicions of the people that there must be some motive on the part of Government in bringing this Bill forward at this stage, and for that reason I maintain it should not have been produced.

Passing on to the Bill itself, the Honourable the Acting Attorney-General said in the course of his speech that the present Ordinance is not intended to establish any new law, it is only to make the existing law clear. My reply to that is why should you want to pass an Ordinance simply for the sake of passing an Ordinance, especially when the Ordinance seems to be quite unnecessary even judging from the remarks of the Honourable the Acting Attorney-General himself. I have no doubt myself that this Ordinance intends to vest in the Governor the power to appoint Chiefs even in spite of the amendment that has been handed to us, for although it says that "the Governor may approve . . . any person appointed . . . by those entitled by native law and custom so to appoint in accordance with native law and custom", yet sub-section (2) rather takes that power away from those entitled to appoint by saying that "the Governor shall be the sole judge as to whether any appointment under the provisions of this Ordinance has been made in accordance with native law and custom". So far as I understand that, it means that those persons who are entitled to select or appoint in accordance with native law and custom, even if they make such an appointment, the Governor can step in and say that the native law and custom under which the appointment is made, is wrong. That is the object of this amendment, and personally I do not think we have gained very much by it. There is no doubt that from time immemorial the people themselves have always selected their Chiefs. It is quite different from the system in England where it is the Sovereign who grants dignities, such as dukes, lords, etc., but here the Chiefs of the country are not created by any paramount Chief. Take Abeokuta for instance: the Chiefs are not made by the Alake. They are created by the people themselves or by the family; so you cannot say that the Governor is entitled to stand in the shoes of the paramount Chief and create Chiefs. That right has always belonged to the people, and by this Ordinance there is no doubt that it is the intention to take away that established right.

There is another thing, Sir. It has always been the avowed policy of the Government that you want native law and custom to evolve, and therefore you must retain Native Courts for the people where native law and custom can be interpreted, but it seems to me that this Ordinance is a direct attempt to undermine the vital principles underlying native law and custom.

The Honourable the Acting Attorney-General has also referred to the case of *Oley versus Cowley*, which is, I believe, a very well known case of all legal practitioners. I had reason to rely on that case myself on one occasion, and I think all that case decided was that if a claimant disputed a right to an office or a title, the Court had no jurisdiction whatever unless, of course, there was some material benefit attaching to that office or title, but as I have said before, Sir, the analogy in the titles in England is quite different from that in the Yoruba country, therefore I submit, Sir, that the judgment given in that case does not apply in this instance.

In bringing my remarks to a close, I would seriously impress upon the Government the fact that no Ordinance should be passed without having a definite aim or object in view, and I cannot see what object this Bill achieves. In the second place I maintain that, if this Bill is passed into law, it would be infringing the immemorial and inherited rights of the people, even if the amendment that is suggested is passed and incorporated into the Bill. If that is so, then I would ask Government to call a halt, for I do not think they will lose anything by it; if, on the other hand, the Bill is passed, then it will cause a lot of dissension and trouble.

The Honourable the Acting Attorney-General has said that the Government has not been inundated with petitions since the text of the Bill was published, but I think it is the intention of the

Feb. 4, 1930.]

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people, if the Bill is passed, to address petitions to the Government asking that it should not be put into operation. For the reasons I have given, therefore, I beg to second the amendment moved by the Honourable the First Lagos Member that the Bill be read this day six months.

The Hon. the Acting Attorney-General:—

I object to the amendment, Sir.

The Hon. the Third Lagos Member (Mr. T. A. Doherty):—

To my mind, Sir, this measure is an instrument of oppression. It appears to me that Your Excellency is exercising might over right. There is not the slightest doubt that Chiefs have been appointed and deposed with Government intervention all these years. Why then this measure? I intend to place my objections to this measure before the Government one by one.

First, this measure affects the whole of His Majesty's subjects throughout Nigeria and especially those in the Southern Provinces, the majority of whom are illiterate people. I think that before a measure like this is passed, these people should have been made to understand what it means; it should have been presented in the Yoruba, Ibo and other languages so that the people, whose rights are affected by this Bill, should know what the Government intention is. The Government has said that Lagos is the seat of permanent agitators; that, of course, is because the illiterate people in the provinces know very little or nothing of Government measures. They cannot read the Gazette, therefore we who are in Lagos and are able to read the Gazette, and who are supposed to represent the intelligentsia of the country, naturally fight on their behalf. It has been stated by the Honourable the Second Lagos Member that it is an inopportune time to bring in this Bill considering that the Eleko Case is still before the Court. The Bill, as it stands, gives the Governor the right to be the sole judge of native law and custom. That is the crux of the matter as far as we see it. To start with, Sir, the Governor knows nothing of native law and custom. The Governor is a high dignity of the State, who is appointed to rule Nigeria, and invariably he comes here from other Colonies. As a matter of fact it is usually after he is appointed Governor that he visits the country for the first time, and, naturally, if this power is given to him, he will be guided in the exercise of the power by the Residents and District Officers, who have lived amongst the people and are supposed to know their native laws and customs.

In practice what is going to happen? It means that anyone in any given town will be able to become a chief by working himself into the good graces of the Resident. I am not casting aspersions on the integrity of any Resident, but every man is human and has his weaknesses. I do not wish Your Excellency to misinterpret what I say in that respect, but to guard against the misuse or abuse of that power, I think the Governor should not, under the circumstances, usurp the right to appoint the Chiefs, or that he should be the sole judge of native law and custom.

The other point, Sir, is this: what is going to be the effect of this Bill? The Honourable the Acting Attorney-General has spoken at length on the importance or the necessity of the Bill, stating that there are no records of native law and custom regarding the appointment and deposition of Chiefs. I think the records of the Courts are sufficient to guide the Government or anyone else who wants to know anything about native law and custom. In the past people have always applied to the Courts, and especially has this been so during the great Eleko Case. This Bill, there is no doubt, is intended to deprive the people in case of dissatisfaction of the right of going to Court. It means that the Government intends to usurp the rights of the Court to decide such cases especially affecting Chiefs, and what will be the outcome? In the past where people were dissatisfied, rather than take the law into their own hands or use force, they have appealed to the Courts in a constitutional manner. That right of appeal is now being taken away from them, and the effect will be that they will use force. If a Chief is deposed and the majority of the people are in sympathy with him, and they find they cannot go to Court, they will resort to force, and I have no doubt that that is what the Honourable the Second Lagos Member had in mind when he said there would be a lot of trouble.

I am sure there will be trouble, and as a humble representative of the people it is my duty to tell Your Excellency what we think the result of a measure of this nature will have on the people. I therefore support the amendment of the Honourable the First Lagos Member.

**The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—**

Your Excellency, I rise to speak against the amendment. First of all, Sir, I have heard referred to more than once, in fact almost in every sentence, the words "the people". I should very much like to know who are the people to whom my honourable friends have alluded? Have they taken a census of those who have given them permission to come here to-day and to speak on their authority? The Honourable the First Lagos Member referred to a meeting at Glover Hall which he said was attended by 3,000 people. My honourable friend is mistaken, for that Hall when filled can only hold 600 people, and that is a tight fit. Reference has been made to the election of Chiefs, and I was surprised to hear the Honourable the First Lagos Member emphasise the point that it was the people who appointed the Chiefs. The Honourable the Second Lagos Member also made the same blunder but he corrected himself just in time. The Honourable the First Lagos Member said the people's right would be taken away if they could no longer appoint or depose their own Chiefs. He knows the people do not appoint their Chiefs: the family chooses the Chief, and after he has been selected and appointed, he is taken by the family to the Eleko for confirmation. From the time of King Doremo up to the present day when there is a Head Chief of Lagos to be appointed, he is not appointed by the mass of people at all. He is appointed by the other Chiefs who in turn are appointed by the families, and they are answerable to their families, and after a Head Chief of Lagos is appointed, every other Chief is amenable to his jurisdiction and authority. Before the British occupation of Lagos, if a Chief offended the Head Chief or the Eleko, he was sent for, but he did not often arrive whole, for he was usually massacred beforehand. Since the British occupation that has ceased. From that day up to the present day when the Chiefs met together to select a Head Chief what was the next thing they did? They sought permission to present him to the Governor for his approval, and personally I do not see that the Ordinance before us now goes beyond that. If the people do not now select the Head Chief, what rights does this Ordinance take away from them? In what way are they being treated unjustly? The Honourable the First Lagos Member said he did not know how Chiefs were appointed. They are appointed by the family. In the old days four or five of the chief men in the family met together and agreed that a certain man was to be Chief, and it is only recently that there has been any interference in the appointment of a Chief in that way, and the result has been dissension and litigation. I believe this measure is intended to do away with that trouble.

I welcome this Bill very much indeed, Your Excellency, in fact it has been urged for some time past. I do not think my European friends in this Council will recognise as true the statements that have been made that this measure will lead to the depression and degradation of the people of Lagos. There is no trouble in Lagos to-day, Sir. I was told so by a very good friend of mine who is in business here. I maintain, Sir, that we have not got such a thing as public opinion here in Lagos. In Europe, and in England, the Government is and should be appointed largely by public opinion. If the Government here, however, finds things are not going as well as they should, it is for the Government to devise ways and means in order to make the people rest quietly. If this measure is passed it will put an end to any trouble, and if for that reason alone, Sir, I welcome the Bill.

At the present moment families are divided: sons are out of the control of their parents. You will find thousands of young people who are educated at the present moment, but what is the good? As soon as they leave school they rush to Glover Hall to these various meetings. Is that good for them?

Every support should be given to this Bill, Sir, and if it is passed you will see a new era dawn in Lagos, and it will be one of the finest things you have done in your administration.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—

Your Excellency, I have had the pleasure of supporting the Bill which is proposed by the Honourable the First Lagos Member. I have been given the opportunity of giving my views on this subject to the Governor. This Bill is a very important one for the people.

The second point, by the amendment, is that the Government is from now on going to be governed by the people. This is a very important point, and I think it is a very good one.

Such a change in the Chiefs is a very important one. All the same, I think it is a very good one. The Governor has expressed his opinion on this point, and I think it is a very good one. I think it is a very good one.

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The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

Your Excellency, I have very little to say on this Bill, but if it had persisted in its original form, I should have felt obliged to support the amendment which is now before the Council, but I now wish to congratulate the Government for the amendment which it is proposed to bring forward in Committee as explained by the Honourable the Acting Attorney-General. After all, most of the objections have been based on clause 2, and everywhere there has been opposition on account of its inclusion in the Bill, because it gives the Governor absolute power that cannot really belong to him. This amendment has, however, clarified the situation and it is now left to the Governor to approve or disapprove the Chiefs elected by the people.

The second portion of the amendment gives the Governor power to appoint, but only when the people have failed to make an appointment, and this is what we should expect. It is the business of the Government to look after the interests of the people, and if the people fail to appoint or nominate a Chief in due time, the Government is not going to sit quietly looking on from day to day, from week to week, and from month to month wondering what is going to happen. I certainly congratulate the Acting Attorney-General for the amendment which he has drafted giving three months to the people in which to make an appointment, failing which the Government may then step in.

So much has been said about the powers of the people to appoint their Chiefs. We have our own traditions in Abeokuta by which Chiefs are appointed. They are appointed by family selection. All the same the names of the Chiefs have to be submitted to the Alake, and I think the Governor certainly knows that. To say that the Governor knows nothing about native law and custom is an expression that should not have been made. Your Excellency, the point that should have exercised the minds of the people in the Protectorate was that, formerly, the Governor, according to regulations and Standing Orders had to make laws for the Protectorate, and if he had the power to make laws, then he certainly had the power to make Chiefs. I say this is uncontested, and I certainly think that some of my friends here, if they were serious in their opposition, have gone rather too far, and even if they thought they were doing their duty to the people who elected them, I think they might have done so in a more reasonable way. I therefore support the Bill in its modified form.

The Hon. the Second Lagos Member (Mr. E. O. Moore):—

On a point of order, Sir, I beg to ask whether the Honourable Member has the right to say that those who are opposing the Bill are not serious?

His Excellency:—

I do not think there is anything unparliamentary in that remark.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Your Excellency, I rise to support the amendment proposed by the Honourable the First Lagos Member. I must first say that I have not had time to pay as much attention to this Bill as I should have liked. I was occupied with my legal work travelling all over the country, and I did not get any notice of this Bill until I received the draft a few days before I left Calabar.

I submit, Sir, that this Bill is unconstitutional, both if it is looked at from an English point of view and also if it is looked at from a native point of view. It is unconstitutional from the native point of view because it is contrary to native law and custom. There is one thing which I think is most essential in the relations of the people between each other, and that is consistency. I think it is also most essential that the relations of the Government with the people governed should likewise be consistent, and if the Government insists on one thing, the people expect the Government to stick to that and to mean what it says. For instance, over and over again, it has been dinned into us that the salvation of the black man is that he shall stick to native law and custom. The importance paid to the existing native institutions of this country, Native Courts and native administrations, is based on the doctrine

that the coloured people should, in order to become real men, and not mere imitations of white men, stick to their native law and customs. We have heard that time and time again, and I believe there is a good deal in it, but having said it, the Government should not then turn round when it suits their purpose and say there is no native law and custom.

The Honourable the Acting Attorney-General has said to-day that one of the reasons for bringing forward this Bill is because native law and custom is so uncertain. I was very surprised to hear that—

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

I must interrupt the Honourable Member, Sir. I did not say there was no native law and custom. I said there was no standard work in which it could be found laid down.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

I agree, Sir. There is no standard work. Notwithstanding we have had several books written by Europeans on African customs, and on Nigeria generally, it is a fact that we have no standard work written either by a European or an African as to what native law and custom really is, and yet, in spite of that, we are told, time and time again, that it will be our salvation to stick to native law and custom.

Here we have a Bill, one of the reasons for which the Acting Attorney-General has said, is the uncertainty of native law and custom. That surprises me. I submit, Sir, that if the Government is serious in its contention that the subjects of this country shall appoint their Chiefs, shall have respect for their Chiefs, and shall have respect for native law and custom, then the Bill should be postponed for further serious consideration. Before I arrived here, Sir, I asked several questions. What is the evil attendant upon the present manner of appointing native chiefs? What is wrong with it? For years and years since the Government took over the administration of this country Chiefs have been appointed by their own people and have carried on without any trouble. Then what is the reason for this Bill? We understand that the real reason is that the Government have had some trouble with one particular Chief, that is to say with one man. Is that sufficient reason why other people should suffer for this man's fault, if he was in fault at all? Could the Government not have dealt with that man in the proper way, rather than that other chieftainships should be interfered with? Surely if any Government official did anything wrong he could be dealt with personally and punished if necessary? It would not mean that other Government officials would have their rights taken from them because of the fault of that one man? If it were so, I submit it would be rather hard lines on the other people.

The Acting Attorney-General has said, Sir, that this Bill does not take away any rights of the people. I consider it takes away an inherited right of the Chiefs themselves, because, when a Chief is appointed, he realises he has obtained a position of importance, one that he desires to hold until he is dead, and to lose which would be a disgrace to him. He would want to fight to keep his position and if anyone said he should be deprived of it, that person should have to prove that the Chief was unworthy, and under English law he would certainly have to prove it. It would not be a matter for His Majesty the King to decide, as it is proposed to make the Governor here the arbiter in such cases.

The Acting Attorney-General says it is a matter of title, but, as Mr. Justice Tew has said, the Courts cannot directly say one has no right to a certain title, but could only indirectly say so. In England or even out here any person who happened to be a duke or an earl or a chief could go to the House of Lords and criticise the question of his right to the title and could claim any estates to the title, and the House of Lords will give a decision. In Bonny a certain Chief was sued by his brother who declared he had no right to be Chief: for years and years the matter went on, and the District Officers and Residents would have nothing to do with it. The Chief came to me and I took out a writ of summons in the Supreme Court and said that as the plaintiff was undoubtedly a Chief he was not liable to pay taxes or tribute. The case was heard by Judge Webber, and, after taking evidence, counsel for the defendants said it was a question of title and that the Judge had

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nothing to do with it. I then took the case to the Appeal Court, and the Appeal Court said it was a case of pecuniary value upon which a decision was asked. The evidence did not refer to tax at all, it only went to show whether the man was a Chief or not, and I therefore obtained judgment that my client was a Chief.

If this right is taken away, a man who has become Paramount Chief will not be able to sustain his right to the title. Then there is the right of the people who have appointed the Chief, which has to be taken into consideration. The Honourable the Member for the Colony said the Chiefs are appointed by families and not by the people. I do not see any difference in the fact whether he is appointed by a family or by the people. People are divided into families, so I cannot see what difference it makes to say a Chief is appointed by the family, or by the people. Your Excellency, the right to appoint a Chief is a very important right for this reason, that, both here and on the Gold Coast, when a Chief is placed in a certain position he is not only given a title, but he is deposited with him certain paraphernalia and is invested with certain responsibilities by the people. In Degema, for instance, when a Paramount Chief dies, it is the custom for the Chiefs from the different houses to come forward to see that the property of the Paramount Chief of the paramount house is accounted for. They is Government going to deal with that? Is the Government going to appoint officers to go into this matter and find out what properties are invested in these Chiefs, and supposing a Chief is found to be unworthy and has to be deposed, will Government find out what he has done with all his property? I do not think such a thing can be effected, Sir.

I submit also that the principle itself is dangerous because, as has been pointed out in the Press, for the Government to take over the appointment of the Chiefs of the people tends to make those Chiefs not answerable to the people, and not only not answerable, but also tends to make them disregard the people. The Chiefs will say that they are not going to concern themselves about the people, for it is the Government they look to; the Bill will therefore tend to make these Chiefs puppets of the Government instead of representatives of the people.

Your Excellency there is a story of a Chief in Degema who, when this Bill was first spoken about came to me and said: "We hear the Government is going to make Chiefs. How can they do that? We do not understand it." He referred to the fact that when the matter of the tax came up the District Officer called all the Chiefs together and told them that they were to be held responsible for collecting the tax, each Chief to be responsible to Government for the tax paid by his respective house. The District Officer told them that he expected them all to go home and make lists of all the members of their houses, so that he might have an idea of the amount of tax he would be able to collect from them. The Chiefs replied that they did not understand Government, for when they themselves had collected tax from their boys, Government had said it was a bad thing and had made laws to take away that right from them, saying that the boys were no longer slaves, but free men. They then said they would go home and consider the matter. A discussion then arose as to the lists. They asked how they could possibly make any lists? In the old days they were able to make lists because the boys stayed in the villages, but, since the Government had made laws that they were not to collect tax, they had thrown the lists away, and as the boys were now always coming and going, how could they possibly make lists to present to the District Officer as to who were the members of their house? If they did make such a list how could they depend upon the boys remaining? They therefore decided at a meeting of Chiefs that they could not make the lists but that they would do their best to pay their tax. A week afterwards one Chief saw another hurrying along with a paper in his hand, and in reply to a question as to what the paper was about, he said that it was a list of the members of his house, and he added that he had heard that a certain Chief, who had wanted to be made a warrant chief, went to the District Officer at night with his list, and he had then told the other that if they did not submit their lists they would lose their warrants. If the Government desires that the young men of the country shall be honest and straightforward paying respect to native law and custom, and paying respect to Chiefs who are honest, honourable and upright men, then I am afraid this Bill will not tend

to help in that respect. I am afraid this Bill will make the Chiefs look upon their duties in a peculiar manner, and therefore I am asking seriously that the Bill should be reconsidered.

One Honourable Member has said that he supports the Bill now that it has been amended, but, in effect, it is the same, for it still gives the Governor power to appoint Chiefs. Under native law and custom in Calabar, after a Chief is dead, it takes months to carry through all the native funeral customs: it takes months to decide who is to be the next Chief: sometimes it even takes a year or two before the time arrives when a Chief can be presented to the Paramount Chief for his approval.

The Bill ignores, right from the very beginning, the principles of native law and custom, and as I have already mentioned, the Governor still has power to appoint Chiefs. I therefore earnestly and respectfully, with all due regard to the best intentions of Government, urge that this is not a time when the Bill should be passed through Council. It should be postponed for a further six months so that the people of the country may know and learn the principles of the Bill, and that the Government themselves may consider the effect it will have. Therefore for these reasons, Sir, I beg to support the amendment that the Bill be read this day six months.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—

Your Excellency, I shall be extremely brief. I did not mean to take any part in the second reading of this Bill at all, but I am afraid that it was the reasons given by the Honourable the Acting Attorney-General for this Bill which has made me inclined to speak on it and to oppose it. I think, Sir, that those of us who are legal practitioners try, as far as possible, to keep out of our attitude in this Council what we may call the "legal complex", but where we have a Bill, introduced by the Honourable the Acting Attorney-General, based on what he conceives to be the result of a decision in the Courts in England, which he quotes, it is impossible altogether to keep out the legal complex from our attitude of mind. We all know the case of *Cowley v. Cowley*, and all I wish to say in regard to it is that, as far as I am concerned, I share the views of the Honourable the Member for Calabar in preference to those expressed by the Honourable the Acting Attorney-General. It is, in my opinion at any rate, perfectly established that the Supreme Court in this country can, and very often does, go into the question of the native law and custom by which a Head Chief ought to be elected. Just a month ago the Divisional Court in Calabar spent a very arduous week going into just such a question, and it was rather suggested, I think by the Honourable the Second Lagos Member, that the Government in this matter was on the horns of a dilemma: either they were making no change in the law, and in such case the Bill was a waste of time, or they were making a change in the law, and if so, what exactly was it; and with what object in view?

As far as I gathered from the remarks of the Honourable the Acting Attorney-General, he regards this Bill as a codification of the existing laws, and, to my amazement, referred as analogous to it the Bills of Sale Act and the Licensing Act with which we are all familiar in England. If this Bill had gone on to give effect to schedules containing codified native laws for all the different districts of this country, there might have been something in what the Acting Attorney-General said, but there has been nothing of that. It is quite inaccurate to describe this as a codifying law. All that this Bill does is to transfer the jurisdiction from the judiciary to the executive as to what is and what is not the proper way to elect a native chief according to native law and custom. That, Sir, is frankly what I conceive to be the effect of this Bill. The Honourable the Member for the Colony said he supported this Bill on the ground that it was going to stop litigation on this subject. If the Government had come to this Council and said that the Bill was put forward with that purpose, then I think Honourable Members would have been entitled to examine it from that point of view, but when it is brought forward as a measure for codifying existing laws and not making any change in the royal prerogative, which has power in deciding these questions, then a different situation arises.

The amendment proposed by the Acting Attorney-General has been referred to by the Honourable the Member for the Egba Division as the reason why he supports the amended Bill, although

he said he studied this more simple original section simply a Governor would be Nigeria to has said th law and cu these Ordir officials wh different di sense it can Nigeria, he represents a not know a

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The Hon. (Mr. S. C.

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Another p ment has t epecially t the Bill. I suggest t Districts of call the Ch them, and o that has not had into law

My third responsibility known that been appoint have become bought by become free appointed C ed as ser I think the it is not You appoint Chi they are like to my notice man who ha District Off from a town naturally, a the matter Officer. In such influen the best ma along, espec and he had and. He l but because a Chief by t

he said he would have been opposed to the original Bill. I have studied this amendment and, in my view, it could have been much more simply done by suggesting the deletion of the first word of the original section "upon" and substituting "three months after". It simply means delaying for three months the power given to the Governor to appoint a new Chief. I am not prepared to say it would be a calamity if it were handed over to the Governor of Nigeria to decide questions of that kind. One Honorable Member has said that the Governor does not know anything about native law and custom. We all know, when we refer to the Governor in these Ordinances, that we mean the whole hierarchy of executive officials who are steeped in the native law and customs of the different districts in which they function: and, I think, in that sense it can be quite truthfully said that, when an official comes to Nigeria, he knows nothing of native law and custom, but as he represents a system of Government, it is inaccurate to say he does not know anything of native law and custom.

I hope I have made myself clear, Sir. If this Bill had been put forward on the ground that it would be a good thing to remove the possibility of questions of succession coming into the Supreme Court, it would have been better for the Government to have said so, and I think I should have come to a different decision with regard to the Bill.

**The Hon. the Member Representing the Nigerian Traders (Mr. S. C. Obianwu):—**

Your Excellency, I have very little to say in support of the amendment before the Council. In my humble opinion I think that the word "Chief" should have been defined under the Bill, because in the different provinces of Nigeria this word "Chief" has different meanings. There are Chiefs of particular importance who deal with Government and there are other Chiefs who have no particular jurisdiction and, therefore, in many cases, have very little to do with Government, and I have been wondering whether, in framing this Bill, the word "Chief" was intended to include each and every Chief in the Protectorate.

Another point, which I think is very important, is that Government has taken no steps to inform the people of the country, especially those in the more primitive parts, of the provisions of this Bill. I think that they should know something about it, and I suggest that the various Residents, especially in the Eastern Districts of the Southern Provinces, should have been instructed to call the Chiefs of all grades together to discuss the matter with them, and obtain their views for the advice of Government, and, as that has not been done, I do not think it would be wise to pass this Bill into law at the present time.

My third point is that Government has taken upon itself the responsibility of appointing Chiefs in time past, and it is well known that they have made a great many mistakes. People have been appointed Chiefs who had no right at all to be Chiefs. People have become Chiefs who, if I may be allowed to say so, were once bought by various families to act as their servants, and, having become free, some of them have become important and have been appointed Chiefs to rule over the very people for whom they once acted as servants. That has caused a great deal of trouble, and I think the same mistake might be made again because, after all, it is not Your Excellency who will yourself go into the districts to appoint Chiefs: you have to act through your various officers and they are likely to make mistakes. I will quote one case which came to my notice some time ago, in a town not far from Onitsha. A man who had become important in that town was appointed by the District Officer to be a Chief. The man was an alien who came from a town very far from the town in which he then lived, and, naturally, after his appointment, the people raised some objections. The matter came to my notice and I pointed it out to the District Officer. In his reply he said the man was so important and had such influence among the community that he thought he would be the best man to be their Chief. Of course I thought that was wrong, especially as the people themselves said he was a danger, and he had actually been paying rent for the land on which he lived. He had no interest in the affairs of the people themselves, but because he was important and had influence, he was appointed a Chief by the District Officer. I had to represent the matter to



the Resident and eventually after a long correspondence, the Resident said that a man belonging to the community was to be appointed Chief, but the alien was still to be allowed to hold his warrant and act as Chief.

Your Excellency, I shall support the amendment before the Council and I think plenty of time should be given in which the people might be made acquainted with the general principles of the Bill before it is made law.

**The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—**

Your Excellency, where I live there was agitation against this measure. The Acting Attorney-General has said that there are no records of native law and custom, but the records are in the minds of the people, and are handed down from father to son and they are known quite well to the people.

When the Chief of Opobo died it was twelve months before the ceremonies were finished, and now you are limiting the period to three months. What is the meaning of indirect rule if the people cannot appoint their Chiefs? There is not much left for the Chiefs to do now, so why do you take away the right they have to elect their head chief? If you are going to appoint head, or paramount chiefs, where does the indirect rule come in?

**His Excellency:—**

The Honourable Member seems to overlook the fact that it is only in exceptional circumstances that the Governor will step in. The normal procedure will be that Chiefs will be appointed as at present according to native law and custom.

**The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—**

The Bill says "the Governor shall be the sole judge as to whether any appointment . . . has been made in accordance with native law and custom."

**His Excellency:—**

If the Honourable Member will read the earlier part of the clause (sub-section (1)), he will see that what I have said is correct.

**The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—**

Your Excellency, the Bill says the Governor is entitled to say who is entitled to make the appointments. There is dissatisfaction with this measure everywhere. Why should it come up now when the country is in such an unsettled state as this? I think it should have been left over. In any case I do not see the necessity for the Bill at all. To appoint head chiefs is the only prerogative the Chiefs have left and I think it should be left to them.

**The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):—**

I should just like to say two or three words Your Excellency. It seems to me that a considerable part of the opposition to this Bill is due to irresponsible agitators, but that will always be so in a measure of this nature. The point, apart from those people, is whether there is a considerable body of honest law-abiding Africans who really feel aggrieved by this measure? I have endeavoured to keep a very open mind on the question and I have come to the conclusion that there is such a body of Africans who are honestly and sincerely opposed to this Bill. It is really as to clause 2. I think in a matter of this kind, if I may say so, Government should go slowly, and I think clause 2 should be deleted. On the other hand I consider that, as Chiefs are now part and parcel of the administration of Government, the Government should have such a hold on them as to be able, in case of necessity and after due inquiry, to depose them.

I propose therefore to vote in favour of this Bill and in Committee I shall support the deletion of clause 2.

*Council adjourned at 5.20 p.m.*

# DEBATES

## IN THE LEGISLATIVE COUNCIL

OF

## NIGERIA

ON

Wednesday, 5th February, 1930.

Pursuant to Notice the Honourable the Members of  
the Legislative Council met at the Council Chamber,  
at 10 A.M. on Wednesday, the 5th February, 1930.

### PRESENT.

- His Excellency The Governor,  
Sir Graeme Thomson, C.C.M.G., K.C.B.
- The Chief Secretary to the Government,  
The Honourable Sir Frank Baddley, K.C.B., C.M.G.
- The Lieutenant-Governor, Northern Provinces,  
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Lieutenant-Governor, Southern Province,  
His Honour Mr. C. W. Alexander, C.M.G.
- The Acting Attorney-General,  
The Honourable Mr. J. C. Howard.
- The Treasurer,  
The Honourable Mr. C. W. Leese.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson.
- 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 Administrator,  
The Honourable Major W. Birrell-Gray, C.M.G.
- The Comptroller of Customs,  
The Honourable Mr. W. K. Duncombe.
- The Honourable Mr. E. R. J. Hussey,  
The Director of Education.
- The Secretary for Native Affairs,  
The Honourable Mr. G. S. Browne.
- The Senior Resident, Oyo Province,  
The Honourable Captain W. A. Ross, C.M.G.
- The Secretary, Southern Provinces,  
The Honourable Major C. T. Lawrence, C.B.E.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem.
- The Deputy Chief Secretary,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.,  
The Commissioner of Lands.
- The Honourable Mr. L. Bettesworth (Provisional),  
The Acting Postmaster-General.

- The Resident, Benin Province (Extraordinary).  
The Honourable Mr. H. de B. Bewley,
- The First Lagos Member.  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division.  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Mining Member.  
The Honourable Mr. A. L. Butler.
- The Member for the Ibo Division.  
The Honourable Mr. L. O. Mba.
- The Second Lagos Member.  
The Honourable Mr. E. O. Moore.
- The Member representing the Niger African Traders.  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar.  
The Honourable Mr. G. Graham Paul.
- 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 Shipping.  
The Honourable Mr. H. S. Fegetter.
- The Commercial Member for Lagos.  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division.  
The Honourable Mr. L. T. Palmer.
- The Member for Calabar.  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member.  
The Honourable Mr. T. A. Doherty.
- The Banking Member.  
The Honourable Mr. L. M. Herapath.
- The Member for the Oyo Division.  
The Honourable Mr. A. S. Agbaje.
- The Commercial Member for Kano.  
The Honourable Mr. T. Hepburn (Provisional).

#### ABSENT.

- The Commandant.  
The Honourable Colonel C. C. Norman, C.M.G., D.S.O.
- The Senior Resident, Cameroons Province.  
The Honourable Mr. E. J. Arnett, C.M.G.
- The Senior Resident, Adamawa Province.  
The Honourable Mr. G. W. Webster, M.B.E.
- The Senior Resident, Niger Province.  
The Honourable Mr. J. C. C. P. Sciortino.
- The Senior Resident, Calabar Province.  
The Honourable Mr. E. M. Falk.
- The Senior Resident, Plateau Province.  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Zaria Province.  
The Honourable Mr. C. A. Woodhouse.
- The Resident, Ogoja Province.  
The Honourable Mr. P. A. Talbot.
- The Resident, Owerri Province.  
The Honourable Mr. F. H. Ingles.
- The Resident, Ilorin Province.  
The Honourable Mr. H. B. Hermon-Hodge.
- The Acting General Manager of the Railway.  
The Honourable Mr. W. Cramer Bostock.
- The Commercial Member for Port Harcourt.  
The Honourable Mr. L. White.

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## MINUTES.

The Hon. the Chief Secretary to the Government :—

I wish to draw the attention of Honourable Members to a misprint in the figures of the resolution I moved yesterday afternoon. The figure printed in the Order of the Day was £2,735, but as a matter of fact the amount inserted in Select Committee was £2,375, and in my remarks in moving the resolution I also read the correct figure. In our Hansard the correct figure of £2,375 will appear.

The Minutes of the Meeting of the 4th February 1930, having been printed and circulated to Honourable Members, were then taken as read and confirmed.

## ANNOUNCEMENTS.

The Hon. the Chief Secretary to the Government :—

With your permission, Sir, I should like to inform Honourable Members that the revised Standing Rules and Orders which have been adopted by the Select Committee at this Meeting, will be submitted for His Excellency's approval as soon as the amendments suggested by the Select Committee have been made. The Standing Rules and Orders will become effective from the date on which His Excellency's approval is signified, and a copy will be sent to each Member of the Council.

## RESOLUTIONS.

The Hon. the Chief Secretary to the Government :—

Sir, I rise to move the following resolution :—

“ Be it resolved : That this Council approves the expenditure  
“ of £641,991 as detailed in the Supplementary  
“ Estimates for 1929-30 (Third Quarter) which were  
“ laid on the table at the meeting of the Council held on  
“ the 30th of January, 1930 and passed by the Finance  
“ Committee on the 4th of February, 1930.”

The Hon. the Treasurer :—

I beg to second the motion.

*The resolution was carried unanimously.*

## BILLS.

THE APPOINTMENT AND DEPOSITION OF CHIEFS ORDINANCE, 1930.

His Excellency :—

I understand there are one or two Unofficial Members who still wish to address the Council on the second reading of this Bill.

The Hon. the Member for the Ibo Division (Mr. N. O. Mba) :—

I have to thank Your Excellency, to begin with for the opportunity given me to express my views on this Bill. I was not very well yesterday afternoon, and therefore not able to attend the Session of the Council. This Bill is the one I was referring to the other day when Your Excellency told me that time would be given for discussion on it, and now is the time.

I have been instructed by my people, men and women alike, to raise my voice against this Bill, and to make myself heard far and wide. Although I may not be successful in preventing this Bill being passed yet it is my intention to voice the feelings of my people and my own to the Government in regard to this Bill, especially as I know it is the intention of the Government, having appointed me a nominated member of this Council, that I should show them what is the mind of the people in regard to any measure proposed by Government. In the first place, when I first joined the Council, I mentioned that natives, though apparently ignorant and stupid, and though they go about as if they were interested in nothing, yet they have their own opinions on matters which the Government have in hand. The native is particularly scrupulous and very watchful when it comes to a question of touching him on the delicate matter of what he considers his rights. We had our Chiefs before the British Government came amongst us: they were made by our so-called Kings, whom you prefer to call Head Chiefs nowadays. The Obis elect the Chiefs and we have our own

customs and laws about their appointment. Amongst some of the African tribes there is a custom that Chiefs can be unmade as well as made, but at Onitsha we do not unmake a Chief. Once a man is elected a Chief by lawful authority, he is always a Chief. It is only of late that steps have been contemplated to set a mark upon a Chief who has abused his office, but nothing has yet been done. Once a man has been made a Chief and wears a red cap he is invested with certain rights which are peculiarly our own to bestow, and belong to the native, and interference with which, if you will allow me to call it so, is not viewed with much pleasure by the natives. If a man abuses his position and makes himself punishable by the Government, of course he has drawn the trouble on himself, and he must bear the consequences, but for the Government to come in and say that such and such a Chief among you, who has been appointed by our King, is to be deposed from his position, or such a man is to be made a Chief, or such and such a man shall be made a Head Chief, then I must confess to Your Excellency that although the natives may not say a word about it, yet they will not take it in good part.

Take the question of the appointment and deposition of Chiefs. To me the Bill indicates that all persons who are already Chiefs but who misbehave themselves are punished by deposition. Well, Sir, the native does not concern himself very much where a Warrant Chief is made by the Government, because they are punishable by having their money withdrawn from them, or other laymen are chosen by the Government and are made Warrant Chiefs. It has been done again and again, sometimes with propriety and sometimes without. The Government are very anxious and scrupulous to find out whether such and such a man is a suitable person to be made a Warrant Chief, because they say they have been let down in some cases. There have been wrong decisions and some persons have been made Chiefs who should not have been, and the Government is very anxious in future to choose the right man, and we have been asked again and again whether such and such a person is suitable, whether he is of the family that can come in amongst those who rule and manage the affairs of the country. But imagine what it will be when the Government will have the power to pick upon anybody and tell him he can be a Chief. How shall we take it? What does it mean coming at a time when we are all so particularly anxious about warrants being given to the right people? Your Excellency, I hope this little effort I have made will help Honourable Members to see how this Bill will affect the natives—

**His Honour the Lieutenant-Governor, Southern Provinces:—**

Sir, I should like to say something to the Honourable Member. I think I should explain to him that this Ordinance only applies to Head Chiefs. "Head Chief" is defined in the Interpretation Ordinance (Cap. 2, section 3 (18)). There are no Head Chiefs in the Onitsha Province, so this Ordinance will not affect any Chief in that province at all. Is that quite clear?

**The Hon. the Member for the Ibo Division (Mr. I. O. Mba):—**

I venture to say I understand you, Your Honour.

**His Honour the Lieutenant-Governor, Southern Provinces:—**

I will read the definition to the Honourable Member:—

"Head Chief" means any Chief who is not subordinate to any other Chief or Native Authority."

In the Onitsha Province, the native authority is a body of Chiefs. All individual Chiefs are subject to that native authority, therefore this Ordinance does not affect any Chief in the Ibo country.

**The Hon. the Member for the Ibo Division (Mr. I. O. Mba):—**

Thank you, Your Honour. After that I feel somewhat relieved in my mind, and I will go away with that explanation to my people. In that case I need not further waste the time of this Honourable Council.

**The Hon. the Member for the Oyo Division (Mr. A. S. Agbaje):—**

Your Excellency and Honourable Members. I would have opposed this Bill had it not been amended, but my opinion now that it has been amended is that we should heartily support it. In the Oyo Province, where I belong, whenever a Head Chief died, the

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families selected another and submitted his name to the heads or elders, who in turn submitted it to the Resident or other authority, and the Resident then submitted it to the Governor for his approval. As far as the amended Bill is concerned, I find no new custom whatever; it is simply the same as has always been followed in our province. That is my reason for supporting the Bill as far as clause 2, sub-section (1) is concerned.

With regard to sub-section (2) in my opinion this is already misinterpreted to the natives. If Government thinks that that interpretation may take a firm hold upon the natives, I suggest this sub-section (2) will do so. In my opinion I do not see why the old system which has been followed from time to time, although it has never been put into law, should not be put into law if Government are ready to do so. I do not see why we should then raise objections because without the approval of the Governor in the Oyo Province we can do nothing. Your Excellency I can say that I heartily support the amended Bill as far as item (1) is concerned.

**The Hon. the Senior Resident, Oyo Province:—**

Your Excellency, this Bill has been discussed with the Alafin and the Yoruba Chiefs and they are quite satisfied with the amendment which has been placed before the Council. They have no apprehensions on that point. It is unfortunate that Honourable Members were not in possession of the amendment until the last moment, as I cannot help feeling that some of them would have been anxious to readjust their views and modify their speeches.

This Bill as it now stands contains no new element whatever. The status and rights of the Chiefs are unimpaired in any way. Undoubtedly the Bill suggests they probably will be, but they are not. It is merely placing on the Statute book what has been recognised and practised since the birth of the Protectorate. The Chiefs have always recognised the right of the Governor to approve the appointment or the deposition of Chiefs, where in the interests of the State it has been found necessary to do so. The Yoruba Chiefs and people are very jealous of their rights, and if they had thought for one moment that they were in danger, they would have been the first to protest. I repeat again, they are quite satisfied. They have the fullest confidence in the Governor and in the Government. The Chiefs and people always look to the Governor as the final arbiter in all matters of policy, succession, or tribal differences, and they do not look to the Supreme Court for the

The Chiefs and elders of Yorubaland are learned in native law and customs, and they are the recognised repositories of everything pertaining thereto. Many of the District Officers, through constant conversation and experience, as years go on acquire a knowledge of native law and custom, and are just as expert on that subject as barristers may be in English law. The Governor, through these officers, has unrivalled opportunities for obtaining opinions, both African and European, on native law and custom. He knows exactly where to look for it and where it can be obtained.

A judge of the Supreme Court may just have arrived from England. He does not know where to look for it. He has no codified native law to refer to, as he has English law witnesses are brought to the Court, I think almost everywhere by interested parties. The Governor, however, has at his command expert evidence on native law and custom which is quite impartial. Just as the people look to their Chiefs, who are their fathers, to make pronouncements on native law and custom, so the chiefs in their turn have become accustomed to look to the Administrative Officers for advice and guidance in these matters, and they look to the Governor as the final appeal in all these matters. That has always been done. They consider that an appeal to the Supreme Court is contrary to their ideas of paternal control, and must lead to the breakdown of the family system. The Chiefs and elders are strongly opposed to coming to the courts to give evidence on native law and custom. Honourable Members can imagine the inconvenience, the upheaval and expense that must be caused where one of the most important Chiefs of Yorubaland is called upon to leave his city and come to give evidence in a court of law.

In conclusion I wish to say, Sir, that the Chiefs in Yorubaland have no objections to the Bill as amended. The Bill will dispel any doubts and will save the important Chiefs and other Chiefs from the

grave inconvenience, expense and indignity which threatened them recently in a certain case. It will set at rest the minds of the Chiefs who will recognise that the Governor is the arbiter of native law and custom, and not the Supreme Court.

**His Honour the Lieutenant-Governor, Southern Provinces:**

Sir, as I have already indicated, I think there has been a great deal of misunderstanding in reference to this Ordinance. I have already explained that this Ordinance applies only to Head Chiefs in the Protectorate. I have read out the actual definition in the Interpretation Ordinance, and what it comes to in ordinary English is that a Head Chief is a Paramount Chief, such as the Alafin of Oyo, the Alake of Abeokuta, the Oba of Benin, who are not subordinate to any other native authority. It does not include any of the Chiefs or head men in the Eastern Provinces such as Onitsha and Owerri. It has been said that this Bill will interfere with the policy of indirect rule. Now the policy of indirect rule is not that the administration of the country should be handed over to any Chiefs without control. I do not think any of the Honourable Members here would suggest for one moment that that should be done. The policy is that the Chiefs should administer their territories as far as they are able to do so efficiently, and on sound lines. But there must be some control. The Head Chief exercises obviously very important functions. He must show by his practical work that he is able to exercise them reasonably well. But there must be some controlling power. If the Head Chief is not able to administer the affairs of his people with reasonable success, the controlling power, that is the Governor, must have the power to remove him. It would not be fair to the people under him to let him remain in power. Again if a person is appointed by the community to be a Chief, and that person is obviously and clearly unable to exercise his functions as he should, His Excellency should and must have the power to decline to approve that appointment.

There is one point, of course, which has been referred to by many speakers, that His Excellency is made sole judge of native law and custom. I entirely agree with what the Resident of the Oyo Province said in connection with that subject. In my opinion it is the only practical course to leave the decision to the Governor. Many Honourable Members have suggested that the decision should be referred to the Supreme Court. Without being in any way critical of the Supreme Court, I do say that I do not think the judges of the Supreme Court are in a position to come to correct decisions on what is or is not native law and custom. The counsel of the Supreme Court, however learned they may be, were not all born in the Southern Provinces, and, in any case, native law and custom varies considerably among the different communities, and counsel cannot know, speaking generally, very much of what is native law and custom. The Court would have to rely on so-called expert witnesses brought in in a particular case. Well, personally, I do not think I could find out what was really native law and custom by asking witnesses in a Court. These expert witnesses give views in connection with some particular case, and of course what they say is, in practice, likely to be influenced by the fact that they may wish one of the parties in the case concerned to win.

One can only find out what is native law and custom by continuous inquiry on the spot, and I would emphasise, as the Resident of the Oyo Province has said, that we must rely on the Administrative Officers, part of whose work is to be in intimate touch with the people, and in the course of their general work must investigate and ascertain what are local native laws and customs. It was suggested that if this Bill were passed, Residents would appoint Chiefs, or District Officers would appoint Chiefs. That of course is not the case. His Excellency can rely upon his Residents to make the most careful inquiries.

In connection with the speeches that have been made, I should like to refer to one point. References have been made to actions by certain District Officers in various connections. I would deprecate these examples being brought up in the Legislative Council unless it is absolutely necessary, because a statement made by an Honourable Member in the course of his speech must be an *ex parte* statement, and the District Officer has no opportunity of making a reply. I admit District Officers have not been referred to by many Honourable Members. We are told that certain matters have arisen, and

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what it comes to is that the District Officer has made a mistake. I am sure no Honourable Member of this Council would wish to choose the opportunity he has of speaking in this Council as an occasion for blowing his own trumpet. We have had references to matters dating back for many years; we had a reference to something that happened in Lord Lugard's time, and one that happened in 1901-1902, and so on. I do not maintain for one moment that mistakes are not made sometimes by officers in the Administrative Service, but I do say that bringing up these particular instances in Council as an argument from the particular to the general, may be inclined to throw discredit on a service which as a whole has performed good work in the Southern Provinces.

**His Honour the Lieutenant-Governor, Northern Provinces:—**

Your Excellency, I rise to support this Bill. I should like first of all to point out to this Council that probably three-fourths of the Chiefs to whom this Bill applies are the Emirs and Paramount Chiefs in the Northern Provinces. This Bill will give to those Chiefs a position that they have never enjoyed before, in fact I regard the measure almost as a Magna Charta for the Emirs.

I do not know whether it is generally realised that at the present moment all the Emirs hold their appointments merely under a letter of appointment from the Governor. That has been the case since Lord Lugard's time. This Bill now recognises, however, the power of the people to choose and appoint their own rulers. I consider that this is one of the greatest advantages which has been conferred on indirect rule, for it changes the whole position. It recognises the power specifically of the people of each unit to choose their own rulers.

I have great sympathy with the ideals that I think some of the Honourable Members were trying to express in their speeches against this Bill. I think, however, they themselves do not clearly realise the objects of the Bill. The Honourable Member for Calabar emphasises the fact that the people must be consulted, but this is the very thing the Bill does. It gives the people power to appoint or choose their Chiefs; they are not to be chosen by the District Officer or by any Administrative Officer, but by the people themselves.

The Honourable the Member for the Niger African Traders laid great stress on mistakes that have been made in the past. My acquaintance of the Eastern Provinces is not very extensive. I was there in 1913 and I found in many cases that many unimportant people had been made Chiefs, while the people's real Chiefs were living somewhere out of the way so as not to have any dealings with Government.

The Honourable the Member for the Rivers Division spoke of indirect rule, but as I have tried to show you, this Bill is the Charta of indirect rule. It recognises by law the power of each unit to choose its Chief, which this country has never had before.

I have great sympathy with the remarks of the Honourable the Member for the Ibo Division on the subject of the Warrant Chiefs. From my point of view Warrant Chiefs are not Chiefs at all; they are simply the nominees of Government chosen to perform certain functions. They are not really Chiefs, and the Bill does not actually apply to them at all. I would like to add by way of illustration what a hard struggle we have had in the Northern Provinces to get proper recognition of this Bill. It is quite possible that inexperienced administrators may see a man who they think is capable and will say that he will make a good Emir. There is an instance of a man who was elected a Chief when he was actually a prisoner in the Government gaol, and there are several other instances of that nature. It is a principle that has been hard to obtain, but now here it is embodied in this Bill and every Chief and Emir in the Northern Provinces if they knew what was going on in this Council to-day, would express the profoundest gratitude.

Finally a word as regards the deposition of Chiefs. It must not be forgotten that this country is part of the British Empire and is ruled by the King of England. The Governor is His representative, and it is absolutely necessary therefore that he should have power not only to appoint Chiefs, but if they misbehave themselves, to depose them as well.



His Honour the Lieutenant-Governor, Southern Provinces:—

May I ask His Honour if, when he spoke about Warrant Chiefs, he was referring to 1913?

His Honour the Lieutenant-Governor, Northern Provinces:—

Yes, Sir, I was. I am sorry if I am out of date, but I spoke from my own experience.

His Honour the Lieutenant-Governor, Southern Provinces:—

I should wish to make it clear, Sir, that His Honour's speech as regards Warrant Chiefs is not correct to-day. The policy has been, and is, to recognise and put in their proper place those who are really entitled to occupy such a position according to native law and custom.

His Honour the Lieutenant-Governor, Northern Provinces:—

I am delighted to hear it, and I congratulate His Honour and the Government on having achieved so much in the last fifteen years.

His Honour the Lieutenant-Governor, Southern Provinces:—

I merely said that it is the present policy. I did not say it was yet fully achieved in practice.

The Hon. the Acting Attorney-General:—

Sir, in moving the second reading of this Bill, I rather anticipated the objections which certain Honourable Members might make to its enactment. I did this intentionally so that when Honourable Members came to speak on the Bill they might meet the arguments which I had made against those anticipated objections. Having regard to the course of the debate I am afraid as far as some Honourable Members were concerned, that my time was wasted, because they failed altogether to deal with those arguments.

The Honourable the First Lagos Member occupied a large part of his speech in citing dicta from the recent book of Lord Hewart, Chief Justice of England, in which he protested against the encroachments which had been made by the Executive on the functions of the Judiciary. Well, Sir, I agree entirely with what Lord Hewart said, but the point in the debate before the Council is whether this Bill does allow the Executive or the Governor to encroach in any way on the functions of the Judiciary. The Honourable the First Member for Lagos also asked what the Supreme Court had done. Had it abused its privileges in interpreting and enforcing native law and custom?

As I made clear in my opening speech, Sir, the Supreme Court never had the jurisdiction to decide *per se* a title to a chieftaincy, or whether a Chief had been properly deposed according to native law and custom.

I rather thought the Honourable the Commercial Member for Calabar, in making his speech, took the point of view that he was judging between the views of his fellow Member for Calabar and myself, because he said he preferred the views of the Honourable the Member for Calabar, and he referred to the cause of *Cowley v. Cowley*. But my learned friend, the Honourable the Commercial Member for Calabar ignored altogether, and failed—whether intentionally or not I do not know—to mention the case decided in the Nigerian Courts on the very point to which I referred in my opening speech, when the Supreme Court held it had no jurisdiction whatever to decide questions of chieftaincy. It is true that if the question of chieftaincy arises in the course of another case, as was mentioned by the Honourable the Member for Calabar to-day in a case where an action was brought against a Chief for not paying his tax, naturally if Chiefs are exempted from paying taxes the Court as a side issue would have to go into the question of deciding if he was a Chief or not: but that is a different thing from saying the Court is entitled to hear a case which endeavours to enforce a right to a chieftaincy, and I maintain that the Government is not taking away any of the jurisdiction of the Supreme Court, that is to say if the Nigerian law is correct as laid down by the Judges, and we are entitled to assume it is correct until it is overruled.

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The Honourable the Third Member for Lagos asked what does the Governor know of native law and custom? That question has been answered by His Honour the Lieutenant-Governor of the Southern Provinces, and the Honourable the Senior Resident for the Oyo Province. What does the Supreme Court know about native law and custom? The Judges come from other Colonies and are not experienced in Nigerian native law and custom, and I think the facilities open to the Governor to find out what is in fact native law and custom on a particular matter are greater than those which are available to the Supreme Court. The Supreme Court is not a suitable tribunal for deciding a case of this nature. It is essential to be decided by the Governor, who will naturally act on the views of his advisers, that is to say, he will call upon those officers in the district where the appointment is to be made, to make careful inquiries as to what the native law and custom in that particular district is. It was suggested by the Honourable the Third Member for Lagos that the Residents could not be trusted to put forward views which were altogether proper. I must entirely dissent from that point of view. The standard of the Nigerian service is so high that we can trust the Residents to make proper inquiries as to what native law and custom is on the particular point in question, and no District Officer or Resident in the Service would have any ulterior motive for putting forward as native law and custom what he did not honestly believe to be native law and custom.

I have more sympathy with some of the other Honourable Members who have spoken, particularly the Honourable the Member for the Niger African Traders and the Honourable the Member for the Rivers Division, who, I think, are honestly apprehensive as to the consequences of this Bill, and they do in fact think or are inclined to think, that it is intended that the Governor shall appoint Chiefs, and so take away from the people their right to appoint their own Chiefs. In connection with those views the wording of section 2 has been altered, and I think every member here has a slip which sets out an amendment which I shall move when we go into Committee on the Bill. This is in the second half of sub-section (1) of clause 2 and reads as follows:—

“ . . . and if no appointment is made before the expiration of such interval as is usual under native law and custom, the Governor may himself appoint such person as he may deem fit and proper to carry out such duties incidental to the chieftaincy as it may be necessary to perform.”

Under the section as it is now revised the Governor has no power directly to appoint Chiefs, although he is given the power to approve appointments. All he can do if a Chief is not appointed to a vacant chieftaincy within the customary time, is to appoint someone to carry on the duties incidental to the chieftaincy, that is to say, he can take steps to ensure that the administrative functions of the Chief who has died, or has ceased to function, shall be carried on. I hope the new wording of this section will reassure Honourable Members, particularly the Honourable the Member for the Niger African Traders, and the Honourable the Member for the Rivers Division. They will see that the time limitation of three months has been removed and the words “ and if no appointment is made before the expiration of such interval as is usual under native law and custom ” have been substituted, and I hope that will satisfy the two Honourable Members concerned. All that the Bill does is to legalise in statute form the present practice, and will ensure that the rightful person according to native law and custom is appointed as Chief.

Finally, Sir, I wish to emphasise what I said in moving the second reading, and that is the necessity for this Bill, because I think a considerable number of Honourable Members are still hazy on this point. There is not a single member of this Council who does not know how Lagos has been distracted for a number of years by the dispute as to the Head Chief of Lagos. The whole of society in Lagos has been rent asunder, and the people have been divided into factions over the question of the chieftaincy, and this has been going on now for about ten years. Five years ago legal proceedings were started. Those legal proceedings are still going on, and the only result as far as the applicant is concerned is that he has given his name to a case heard in the Privy Council where it was decided that, on an application for a writ of *habeas corpus*, the applicant, instead of going from court to court might

go from judge to judge. That so far, is the only tangible result of this litigation, and what has it cost? The money of the people of Lagos has been poured out in this case which can have no beneficial result to anybody. All this has been the result of uncertainty as to the law. If this Bill had been in operation in 1925 the litigation could not have taken place. The Government is therefore determined, Sir, that this thing shall not occur again either in Lagos or elsewhere.

The Honourable the Second Lagos Member considered that, as the proceedings are still pending, therefore the time is not opportune for introducing this Bill, but, under the decision of the Privy Council, these proceedings will never be ended, because as long as new Judges come to Nigeria the applicant can go on with his case. If we are to wait, as the Honourable the Second Lagos Member thinks we should, until these proceedings are finished, we shall never be able to pass a Bill of this nature. In the meantime there is the danger that something of a similar nature may arise elsewhere.

I have nothing more to say, Sir, except that on behalf of the Government I must oppose the amendment which has been moved that this Bill be read this day six months.

His Excellency:—

The amendment before Council is that "consideration of the Bill be deferred for a period of six months." In voting on this amendment I sincerely hope that Honourable Members of Council will realise that Government, in the last amendment which has just been explained by the Honourable the Acting Attorney-General, have done their utmost to meet the wishes of Honourable Members of Council as far as they could, while safeguarding the very vital interests to which the Honourable the Acting Attorney-General has referred.

Honourable Members voted as follows:—

FOR—8.	AGAINST—28.
The Hon. the Third Lagos Member.	The Hon. the Commercial Member for Kano (Provisional).
The Hon. the Member for Calabar.	The Hon. the Member for the Oyo Division.
The Hon. the Member for the Warri-Benin Division.	The Hon. the Banking Member.
The Hon. the Member for the Rivers Division.	The Hon. the Commercial Member for Lagos.
The Hon. the Member representing the Nigerian Traders.	The Hon. the Member for Shipping.
The Hon. the Second Lagos Member.	The Hon. the Member for the Egbu Division.
The Hon. the Member for the Ibo Division.	The Hon. the Commercial Member for Calabar.
The Hon. the First Lagos Member.	The Hon. the Member for the Colony Division.
	The Hon. the Resident, Benin Province, (Extraordinary).
	The Hon. Mr. L. Bettesworth, (Provisional).
	The Hon. Lt.-Col. R. H. Rowe.
	The Hon. the Director of Agriculture.
	The Hon. the Director of Public Works.
	The Hon. the Deputy Chief Secretary.
	The Hon. the Secretary, Northern Provinces.
	The Hon. the Secretary, Southern Provinces.
	The Hon. the Senior Resident, Oyo Province.
	The Hon. the Secretary for Native Affairs.
	The Hon. Mr. E. R. J. Hussey.
	The Hon. the Administrator.
	The Hon. the Comptroller of Customs.
	The Hon. the Director of Marine.
	The Hon. the Director of Medical and Sanitary Service.
	The Hon. the Treasurer.
	The Hon. the Acting Attorney-General.
	His Honour the Lieutenant-Governor, Southern Provinces.
	His Honour the Lieutenant-Governor, Northern Provinces.
	The Hon. the Chief Secretary to the Government.

His Excellency:—

The amendment is therefore lost. I will now put the motion to the Council that the Bill be read a second time.

*Bill read a second time.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

*Clause 2.*

The Hon. the Acting Attorney-General:—

Sir, I beg to move that clause 2 be deleted, and the clause as typed on the slip of paper which has been handed round to Honourable Members, be substituted.

2. (1) Upon the death, resignation or deposition of any chief in the Colony or of any head chief in the Protectorate the Governor may approve as the successor of such chief or head chief, as the case may be, any person appointed in that behalf by those entitled by native law and custom so to appoint in accordance with native law and custom; and if no appointment is made before the expiration of such interval as is usual under native law and custom, the Governor may himself appoint such person as he may deem fit and proper to carry out such duties incidental to the chieftaincy as it may be necessary to perform.

Appointment of Chiefs in the Colony and Head Chiefs in the Protectorate.

(2) The Governor shall be the sole judge as to whether any appointment of a chief or head chief, as the case may be, has been made in accordance with native law and custom.

The Hon. the Second Lagos Member (Mr. E. Moore):—

I beg to move as an amendment to this clause, Sir, that sub-section (2) be deleted. Your Excellency, in moving this amendment I must confess that I am still unconvinced as far as the sections of this Bill are concerned, and I still maintain that sub-section (2) practically takes away what is given under the substituted sub-section (1) of this clause. I congratulate the Honourable the Acting Attorney-General on his ingenuity in framing such an amendment, which, whilst retaining the essence of the former Bill, has been able to get the support of my Honourable friends the Member for the Egba Division and the Member for the Oyo Division, who, but for the amendment before the Council, would have opposed the Bill.

I submit, Sir, that while this sub-section says that the power to appoint is now given to those who are entitled to do so by native law and custom, yet this sub-section must be deleted which says that the Governor shall be the sole judge as to whether any appointment of chief or head chief, as the case may be, is made in accordance with native law and custom. If the Governor is made the sole judge, even where the appointment has been made by those entitled to do so, what is the use of the amendment? Rather than have that, I should prefer that the original section be left in. It certainly tells us where we are and says that the Governor on all occasions shall appoint a chief or head chief. For these reasons, Sir, I move the deletion of sub-section (2).

The Hon. the First Lagos Member (Dr. C. C. Ajeniyi Jones):—

I beg to second the motion.

*The amendment was lost.*

His Excellency:—

It is moved that clause 2, sub-sections (1) and (2) as amended, be passed. Will those in favour say "Aye" and those against "No."

*The amendment was adopted.*

*Clause 4.*

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Your Excellency, I propose that clause 4 be deleted. I suggest that this clause is contrary both to English and to native law: there is no precedent for it, and no reason for it. Even if the Governor were to be given the power of appointing a chief, or of saying whether an appointment was made according to native law and custom, I submit that the right to depose a chief is a different thing altogether, and that nowhere will you find such a right exercised. I say it is contrary to the English constitution for this reason, that where a title has been given in England, it can never be taken away from that person. When I say never taken away, it depends of course upon the nature of the title. For instance all the Heads of Departments here are chiefs: they are big men from a native point of view, and they are appointed by the Government of His Majesty the King, and practically speaking they cannot lose their appointments. If a Head of Department is told that his services are to be dispensed with, he will want to know the reason why, and there will be a big fuss about it, and there would have to be good reasons given if he was sent away from his office. But in the case of a chief, who also has certain duties to perform and is paid for those duties, Your Excellency can send him away without giving any good reason.

Take the case of other titles. In England when anyone is given a knighthood, or an earldom, it can never be taken away from them: the King having given a title cannot take it away again.

The Hon. the Acting Attorney-General:—

I think the Honourable Member is entirely under a misapprehension. There are ways by which in England a member of the peerage can be deprived of his title.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

The Peers would have to go into the question, Your Excellency, as to whether the title could be retained or not, and I submit it is the same in native law and custom. The Obun of Calabar, on account of something he did which displeased the Executive, had the recognition of Government withdrawn from him, and he was no longer entitled to be recognised as the Obun of Calabar. That is the native custom. Under this section, Sir, it is proposed that the Governor shall have the power to depose a chief whether he was appointed before or is appointed after this Ordinance is passed without giving any reason at all. Yesterday, the Honourable the Member for the Colony Division mentioned that chiefs were appointed by the families. I consider that is a strong point in our favour, because it appears that the Government are now taking it upon themselves to come into my family and say that I am not to be the head of my family myself, nor my eldest son nor my youngest son, so it suits the convenience of Government.

I therefore submit that, once a man who has been given a title or a dignity is deprived of it, without giving him the opportunity of defending himself or going to a Court of Law to ask why he has been deprived of it, is a very serious thing, and there is no precedent for it either in England or in any other country that I know.

The Hon. the Second Lagos Member (Mr. E. O. Moore):—

I beg to second the motion.

The Hon. the Acting Attorney-General:—

Sir, the Honourable the Member for Calabar is not altogether correct in saying that an English Peer or someone else who holds a title in England cannot have it withdrawn from him. There is machinery in existence by which an earl or a duke can be deprived of his title by a Bill of Attainder. Also the Honourable Member seems to forget that the relations between the suzerain power and the chiefs are such that the Governor must be vested with the powers of deposition. The Peers in England do not now exercise executive functions; they are not part of the machinery of Government, and the only right they have is to sit in the House of Lords, which is now looked upon as nothing more than a debating chamber. The authority of the Peerage in England is not recognised by large numbers of people in the same way as the authority of the chiefs is recognised in this country, therefore the position is not analogous, even if only on the assumption that the Honourable Member's statement is correct that they could not be deprived of their titles.

His Excellency:—

It is moved that clause 4 be deleted. With those in favour say "Aye" and those against "No".

*The amendment was lost.*

The Bill having passed through Council with one amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Secretary for Native Affairs, the Bill was read a third time and passed.

His Excellency:—

I have given permission to the Honourable the Member for the Rivers Division to make a statement. Does he wish to make that statement now?

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—

Thank you, Your Excellency. It is with reference to an article which appeared in *West Africa* on the 28th December, 1929, which included the following statement:—

"Chief Jaja states that the plan was carefully drawn up on the assumption that women would not be fired on. Women were to rush the officials into the offices and the men were then to loot the factories."

I did not say that, Sir. I do not know who wrote that article but someone must have made an entirely wrong statement. What I said was:—

"That someone must have told them that they would not be fired on. And that the women would not have damaged the court house in Opobo Town unless some person or persons had instigated them."

With regard to the riots in Opobo Town, I suppose every Honourable Member knows what happened—

His Excellency:—

The Honourable Member must confine himself to the statement. He cannot make a speech.

The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—

This is not a speech, Your Excellency. I merely wished to say that Resident Pirth visited Opobo City and spoke to the people, and that in Calabar Province everything is now quiet, and the Courts are functioning as usual.

#### THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1930.

The Hon. the Acting Attorney-General:—

Sir, I rise to move that a Bill entitled "An Ordinance to amend the Native Authority Ordinance" be read a second time. With regard to this Ordinance, Sir, objections have been raised to sections 2 and 3, and I may say at once that the Government do not propose to go on with the enactment of those sections, and consequently when we go into Committee I shall move that those sections are deleted. That only leaves section 4, which is I think entirely uncontroversial, and its only object is to improve the wording of the present section 17 (1) (a) of the Native Authority Ordinance. As that section is at present drafted, it appears as if Native Authorities could make rules which override laws enacted by the Legislature. The amended section makes it clear that whatever rules are made by native authorities so as to adapt Nigerian Ordinances, such rules must be consistent with the provisions of those Ordinances.

The Hon. the Secretary for Native Affairs:—

I beg to second the motion.

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

*Clause 2.*

The Hon. the Acting Attorney-General:—

Sir, I move as an amendment the deletion of this clause.

*The amendment was adopted.*

*Clause 3.*

The Hon. the Acting Attorney-General:—

Sir, I move as an amendment the deletion of this clause.

*The amendment was adopted.*

*Clause 4.*

The Hon. the Acting Attorney-General:—

Sir, I move as an amendment that clause 4 be renumbered clause 2.

*The amendment was adopted.*

The Bill having passed through Committee with three amendments, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Secretary for Native Affairs, the Bill was read a third time and passed.

## THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1930.

Sir, I rise to move that a Bill entitled "An Ordinance further to amend the Native Courts Ordinance" be read a second time. With regard to this Ordinance, Sir, when we go into Committee I shall move the deletion of clauses 6, 7, 8 and 10. Honourable Members are not really interested in those clauses which apply solely to the Northern Provinces.

I think Honourable Members will agree that the remaining clauses are of an uncontentious nature. Clause 2 gives Residents power to grant to any offender convicted by a Native Tribunal a remission of sentence on medical grounds. This power now to be exercised by Residents will save delay consequent on obtaining the consent of the Lieutenant-Governor in obtaining a prisoner's release on medical grounds.

Sections 3 and 4 are framed to give extended powers to the Residents, following the policy of decentralisation, so that the power of suspension and appointment of members of Native Courts shall not have to come up to the Governor, but can be exercised by the Resident.

With regard to the amendment to section 5, this provides for the deletion of the words "domiciled or" wherever they occur. These words are superfluous in this connection and only complicate the meaning of the section.

Clause 9 amends section 17 of the Native Courts Ordinance and gives to Administrative Officers the right to exercise powers of review not only to suspend and reduce or otherwise modify a sentence, but also to annul it. This is a power which did not exist before. There is also power given to any officer to amend any decision which he has made himself, and it is also provided that a Resident may annul a decision of an Administrative Officer junior to himself. I think Honourable Members will agree that such powers should be given to Residents in view of their greater experience in Native Court matters and in general matters.

With regard to sub-section (2) to be inserted in section 17, this will permit the calling of witnesses outside the jurisdiction of Native Courts to give evidence before a Native Court, and I think Honourable Members will agree that although persons who are not subject to native jurisdiction should not be tried by Native Courts, yet Native Courts should be able to get all the available evidence before them. Hence this provision allows for compelling by endorsement of a summons by a District Officer persons who are not subject to Native Courts to appear before Native Courts for the purpose of giving evidence.

I beg, Sir, to move that the Bill be read a second time.

The Hon. the Secretary for Native Affairs:—

I beg to second the motion.

The Hon. the Acting Attorney-General:—

Sir, I beg to move that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

Feb. 5, 1930.  
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Clause 5, Section 9.

The Hon. the Acting Attorney-General:—

The point is that in this section the words "domiciled or" are not really wanted. The question is residence, and the inclusion of these two words only complicates the meaning of the section by introducing a differential between domiciled and residence.

Clause 6.

The Hon. the Acting Attorney-General:—

Sir, I beg to move as an amendment the deletion of this clause.

The amendment was adopted.

Clause 7.

The Hon. the Acting Attorney-General:—

Sir, I beg to move as an amendment that this clause be deleted.

The amendment was adopted.

Clause 8.

The Hon. the Acting Attorney-General:—

Sir, I beg to move as an amendment the deletion of this clause.

The amendment was adopted.

Clause 9.

The Hon. the Acting Attorney-General:—

Sir, I beg to move that this clause be renumbered clause 6.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Sir, I desire to move an amendment to clause 9, that the whole section 17 should be altered to read as follows:—

"Any party aggrieved by a decision of a Native Court may apply to the Member of the Provincial Court having jurisdiction over the area in which such Native Court is situate for leave to appeal to the Provincial Court or to exercise the powers vested in him by the Ordinance; and that

"(b) No order given by a Resident or amendment of an order by any officer shall be subject to any further amendment."

My reasons for the first part of the amendment are very obvious because I pointed out the other day that under the section as it stands, whether both parties are satisfied with the judgment or not, the power lies to the member of the Provincial Court to go to the court, take the record of the case, read it, and make any amendment he chooses, whether he is asked to do so or not. It is different in the Supreme Court where, when a judgment is given it must stand, unless one or other party is dissatisfied. The same rule should apply in the Native Courts, that there should be no interference with a judgment unless one or other party is dissatisfied. It seems to me very strange that an officer should come in and alter a decision when both parties are satisfied with it. It is not the case under the English constitution. If my suggestion is adopted, it will give finality to a case. At present, although there is a section which says an officer shall amend within one month after having given his decision, it does not say that no other officer shall not amend it at some future time. I think this request on my part is reasonable, that there should be some finality at some time to a case.

The Hon. the Second Lagos Member (Mr. E. C. Moore):—

I second the motion, Sir, because to my mind it puts finality to litigation. I know in practice it happens that one Resident taking up office after another alters decisions, and I think in the interests of justice such an amendment ought to be made.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—

May I suggest, Sir, if there is no particular urgency to pass this Bill at this session of the Council, that, in order to give the advisers of the Governor an opportunity to consider the effects of these amendments, further consideration of this Bill in Committee might be adjourned to another session of this Council?



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

Sir, the Honourable Member has really put forward two amendments. With regard to the first amendment which provides for an appeal from the Native Court to the Provincial Court, the Government cannot accept it for the reasons which I gave the other day when a motion on this subject was moved by the Honourable Member in this Council. It also proposes to take away the right of the supervising officers to reverse a decision of a Native Court except on the application of one of the parties concerned. The Government considers the supervising officers should have the power of revising a decision whether the application for such revision is made by either of the parties or not. It is a safeguard which should be in the hands of the revising authorities.

With regard to the second amendment the Government is prepared to accept it if the Honourable Member will move it, when the first amendment is disposed of.

**His Excellency:—**

The amendment before the Council is:—

“Any party aggrieved by a decision of a Native Court may apply to the Member of the Provincial Court having jurisdiction over the area in which such Native Court is situate for leave to appeal to the Provincial Court or to exercise the powers vested in him by the Ordinance.”

Will those in favour of the amendment say “Aye”, those against “No.”

*The amendment was lost.*

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

With regard to the second amendment that—

“No order given by a Resident or amendment of an order by any officer shall be subject to any further amendment.”

I think the Honourable Member means that no order given by a Resident under sub-section (2) or any amendment of an order made by any member of a Provincial Court under sub-section (1) shall be subject to any further amendment. I think if that is clear, Honourable Members will have no objection to the insertion of those particular words.

**His Excellency:—**

The question is that clause 9 be amended as follows:—*Add* as paragraph (3) a new section in 17 (1) (a) of the principal Ordinance, the following:—

“(3) No order given by a Resident under paragraph (2) or any amendment of an order made by any Member of a Provincial Court under paragraph (1) shall be subject to any further amendment.”

*The amendment was adopted.*

*Clause 10.*

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

Sir, I beg to move the deletion of this clause.

*The motion was adopted.*

*Clause 1.*

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

With regard to this clause, Sir, I beg to move that the words “as regards sections 6, 7, 8, and 10 to the Northern Provinces of the Protectorate (including those parts of the British Cameroons which are included in the Northern Provinces)” be deleted.

*The amendment was adopted.*

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

I beg to move that Council do now resume.

The Bill having passed through Committee with six amendments, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Secretary for Native Affairs, the Bill as amended was read a third time and passed.

is counteracted by the addition of £1,000 to Head 5, item I of the Posts and Telegraphs revenue which was underestimated. Otherwise the position remains the same, although various heads, as you will see in the First Schedule, have been altered as far as the amounts are concerned.

I move, Sir, that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

*Clause 1.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that the words " nine million, two hundred and forty-seven thousand, six hundred and seventy-six pounds " be deleted and the words " nine million, two hundred and forty-eight thousand, six hundred and seventy-six pounds " substituted.

*The amendment was adopted.*

*Clause 2.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that the words " six million, five hundred and ninety-six thousand, one hundred and twenty-three pounds " be deleted and the words " six million, five hundred and ninety-seven thousand, one hundred and twenty-three pounds " substituted.

*The amendment was adopted.*

*First Schedule.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that the First Schedule be amended as detailed.

*The amendment was adopted.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that Council do now resume.

*Council resumed.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to report that this Bill has been sent to Committee and certain amendments as detailed have been made. I move therefore that the Bill entitled " An Ordinance to provide for the Service of the Colony and Protectorate of Nigeria for the year ending the 31st day of March, one thousand nine hundred and thirty-one " be read a third time and passed.

The Hon. the Treasurer:—

I beg to second the motion.

*Bill read a third time and passed accordingly.*

His Excellency:—

Council will now adjourn *sine die*.

*Council adjourned at 12 noon.*

is counteracted by the addition of £1,000 to Head 5, item I of the Posts and Telegraphs revenue which was underestimated. Otherwise the position remains the same, although various heads, as you will see in the First Schedule, have been altered as far as the amounts are concerned.

I move, Sir, that Council go into Committee to consider the Bill clause by clause.

*Council in Committee.*

*Clause 1.*

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*The amendment was adopted.*

*Clause 2.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that the words " six million, five hundred and ninety-six thousand, one hundred and twenty-three pounds " be deleted and the words " six million, five hundred and ninety-seven thousand, one hundred and twenty-three pounds " substituted.

*The amendment was adopted.*

*First Schedule.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that the First Schedule be amended as detailed.

*The amendment was adopted.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that Council do now resume.

*Council resumed.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to report that this Bill has been sent to Committee and certain amendments as detailed have been made. I move therefore that the Bill entitled " An Ordinance to provide for the Service of the Colony and Protectorate of Nigeria for the year ending the 31st day of March, one thousand nine hundred and thirty-one " be read a third time and passed.

The Hon. the Treasurer:—

I beg to second the motion.

*Bill read a third time and passed accordingly.*

His Excellency:—

Council will now adjourn *sine die*.

*Council adjourned at 12 noon.*

