

OATHS.

The Honourable the Acting Chief Secretary to the Government, the Honourable the Acting Attorney-General, the Honourable the Acting Director of Medical and Sanitary Service, the Honourable the Treasurer, the Honourable the Acting Secretary for Native Affairs, the Honourable the Acting Secretary Northern Provinces, the Honourable the Resident, Abeokuta Province, the Honourable the Acting Secretary Southern Provinces, the Honourable the Acting Deputy Chief-Secretary, the Honourable the Director of Agriculture, the Honourable Lieut.-Colonel R. H. Rowe, D.S.O., M.C., Commissioner of Lands, the Honourable Mr. G. B. Hedden, Acting Postmaster-General, the Honourable the Member for Calabar, the Honourable the Third Lagos Member, the Honourable the Member for Shipping (Provisional), took the oath as Members of the Council.

MINUTES.

The Minutes of the Meeting of the 23rd of February, 1928, having been printed and circulated to Honourable Members, were taken as read and confirmed.

His Excellency: I am sure that you will all desire that some notice should be taken of the fact that we are to-day without our President. As you are all aware, on the 25th September, the Governor was taken seriously ill, but we are all very glad to know that he is making very fair progress. I am quite sure that he regrets he is not here to-day to preside over our discussions, but I feel sure his thoughts will be with us. Nor can we of course forget to include in our sympathy, Lady Thomson, who must have had and still is having an extremely anxious time.

The Honourable Member for the Colony Division has intimated to me that he is desirous of moving the suspension of Standing Orders in order that he may move a motion on this point.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt. O.B.E.): Sir, I beg leave to move the suspension of Standing Orders in order to propose the following motion:

Be it resolved: That this Council desires to express to the Governor and Lady Thomson its deep sympathy in respect of His Excellency's severe illness, and earnestly trusts that he will shortly be restored to complete health and strength."

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I beg to second the motion.

His Excellency: The question is that Standing Orders be suspended to allow the Honourable Member to move the motion forthwith. Will those in favour say "Aye."

Standing Orders suspended.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt. O.B.E.): Your Excellency, and Honourable Members of Council. On the morning of the 25th of September last, the rumour spread throughout Lagos that His Excellency the Governor had been taken seriously ill, but the seriousness of that illness was not generally known until the bulletin was issued by his medical advisers, and I need hardly say that consternation seized the minds of us all, and later on in the day when the gravity of the illness became known profound sorrow fell on all.

Heartfelt prayers were addressed to Almighty God that He would be graciously pleased to restore the Governor to complete health and strength, and also to afford Lady Thomson strength in her severe hour of trial. I am glad to say, Sir, that those prayers have been heard, and we know to-day that although the Governor is not completely recovered, yet he is much better.

I sincerely wish and pray that at no distant date he will be completely restored to health and strength so that he may continue those services to the Empire which he has so worthily begun. I beg, Sir, to move that this Council declares its wish to express to the Governor and Lady Thomson its deep sympathy in respect of His Excellency's severe illness, and earnestly trusts that he will shortly be restored to complete health and strength.

The Hon. the Acting Chief Secretary to the Government: I am glad, Sir, that all official members of the Council, indeed every Government officer throughout Nigeria, will wish to associate himself with this resolution. I welcome then, Sir, as their spokesman, the opportunity to endorse most heartily all that has been said by the Honourable Member, and I have much pleasure in seconding the Resolution.

The motion was carried unanimously.

His Excellency: I will see that the motion is conveyed to the Government.

PAPERS Laid.

- Sessional Paper No. 4 of 1928, Annual Report of the Analyst Department for the year 1927.
- Sessional Paper No. 5 of 1928, Annual Report on the Government Printing Department for the year 1927.
- Sessional Paper No. 6 of 1928, Annual Report by the Police Magistrates for the year 1927.
- Sessional Paper No. 7 of 1928, Annual Report on the Mines Department for the year 1927.
- Sessional Paper No. 8 of 1928, Annual Report on the Harbour Department for the year 1927.
- Sessional Paper No. 9 of 1928, Annual Report on the Police Department, Northern Provinces, for the year 1927.
- Sessional Paper No. 10 of 1928, Annual Report on the Police Department, Southern Provinces, for the year 1927.
- Sessional Paper No. 11 of 1928, Annual Medical and Sanitary Report for the year 1927.
- Sessional Paper No. 12 of 1928, Annual Report on the Customs Department for the year 1927.
- Sessional Paper No. 13 of 1928, Annual Report on the Public Officers' Guarantee Fund for the year 1927.
- Sessional Paper No. 14 of 1928, Annual Report on the Prisons Department, Northern Provinces, for the year 1927.
- Sessional Paper No. 15 of 1928, Annual Report on the Marine Department for the year 1927.
- Sessional Paper No. 16 of 1928, Secretary of State's Despatch Approving the Estimates for 1928-29.
- Sessional Paper No. 17 of 1928, Annual Report on the Agricultural Department for the year 1927.
- Sessional Paper No. 18 of 1928, Annual Report on the Prisons Department, Southern Provinces, for the year 1927.
- Sessional Paper No. 19 of 1928, Annual Report on the Education Department, Southern Provinces, for the year 1927.
- Sessional Paper No. 20 of 1928, Annual Report on the Forest Administration of Nigeria for the year 1927.
- Sessional Paper No. 21 of 1928, Annual Report on the Public Works Department for the year, 1927.
- Sessional Paper No. 23 of 1928, Report of a Committee to enquire into the organisation of the Colonial Agricultural Services.
- Sessional Paper No. 24 of 1928, Nigerian Railway and Udi Coal Mines Annual Report for the year ending 31st March, 1928.
- Sessional Paper No. 25 of 1928, Annual Report on the Survey Department for the year 1927.
- Sessional Paper No. 26 of 1928, Annual Report on the Education Department, Northern Provinces, for the year 1927.
- Sessional Paper No. 27 of 1928, Annual Report on the Southern Provinces of Nigeria for the year 1927.
- Sessional Paper No. 28 of 1928, Annual Report on the Posts and Telegraphs Department, and Post Office Savings Bank for the year 1927.

Sessional Paper No. 29 of 1928, Treasurer's Report for the year 1927-28.

Sessional Paper No. 31 of 1928, Annual Report of the Veterinary Department, Northern Provinces, for the year 1927.

Sessional Paper No. 32 of 1928, Secretary of State's Despatch regarding training of officers for Colonial Services.

Sessional Paper No. 33 of 1928, Annual Report on the Colony for the year 1927.

Supplementary Estimates 1927-28. (Third and final list).

Supplementary Estimates, 1928-29 (1st and 2nd quarters).

Report of the Select Committee on the Lagos Town Planning Bill, 1928.

QUESTIONS.

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

1. To ask the Honourable the Acting Chief Secretary—
 - (i) When it is expected that the Imo River Bridge will be completed.
 - (ii) When is it expected that the Port Harcourt-Aba direct road over that bridge will be opened to traffic?
 - (iii) What is the explanation of the delay in completing the bridge.

The Hon. the Director of Public Works:—

Owing to difficulties which have arisen—and may yet arise—it is not possible to give a certain date for completion. It is hoped the bridge will be available before the next wet season.

(i) The direct Port Harcourt-Aba road should be open to traffic within two months of the completion of the bridge.

(ii) The delay in construction has been caused by engineering difficulties attendant on under-water work and to available plant having had to be adapted to suit requirements. In addition the Engineer-in-charge was invalided after being in ill health for some time.

Suitable arrangements by way of plant have now been made and with the services of an Engineer of experience it is hoped that work will proceed without undue delay.

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

2. To ask the Honourable the Acting Chief Secretary when it is expected that the repairs to the Ivy Pier, and the erection of the new Jetty at Calabar will be started; when will these works be finished, and what is the explanation of the delay in starting these works?

The Hon. the Director of Public Works:—

It is anticipated that work on the repairs to the Ivy Pier and erection of the new Jetty at Calabar will be begun in December, and completion can be expected in from five to six months after commencement.

Delay has been occasioned by—

(a) Non-delivery of steelwork. The indent for materials for the Ivy Pier went forward in February, 1927, and these have all been delivered. The indent for materials for the new Jetty went forward in August, 1927, and they have only recently been delivered.

(b) A desire to economise in supervision and labour by carrying on the two works, which are situated closely together, concurrently.

(iii) It is necessary to enter into a certain amount of detail in reply to this part of the question.

The cost to General Revenue of introducing taxation has been as follows:—

Loss of fines and fees from Native Courts ...	118,814.
Special police including all charges connected therewith ...	18,327.
Total ...	<u>£137,141.</u>

These figures are taken from the last completed returns which are those for the financial year 1927-28.

Against this General Revenue will benefit as follows:—

	£
By receipt of half of taxation revenue ...	164,329.
By saving on costs of Native Courts ...	67,539.
Total ...	<u>£231,868.</u>

The net benefit to General Revenue is thus £94,727.

In addition to this is a sum which it is not possible to state with precision. In 1928-29 these Native Treasuries will spend on maintenance of roads and bridges £35,972 and on new roads, bridges, wells and water supplies £7,570. Some of this work could not have been undertaken at all, had these Native Treasuries not been established, but much of it, especially maintenance work, would have fallen to be a charge on General Revenue.

It may be anticipated that as these Native Administrations develop, and after necessary reserve funds have been accumulated, a larger share of general development expenditure will be undertaken by them, and saved to Government.

The Hon. the Member for Shipping (Provisional) Mr. F. Bateman Jones, in the absence of the Hon. the Member for Shipping (Mr. H. S. Feggetter):—

6. To ask the Honourable the Chief Secretary to the Government: in view of the recommendations made by the Imperial Shipping Committee in their report issued this year, whether the Government of Nigeria intend proceeding with any of the suggestions recommended, more especially the construction of a dredger for use in connection with the deepening of Bonny Bar, as whilst the present financial stringency is appreciated, it should be borne in mind that the necessary plans will take some time to prepare and no actual money will be required for the dredger for at least a couple of years.

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

(i) The Report of the Imperial Shipping Committee has only just been received, and there has hardly been time to study its recommendations and decide upon the policy to be pursued.

(ii) As regards Bonny Bar, some experimental dredging was carried out last January with the small grab dredger *Mole* to try and get some indication of the nature of the material forming the bar to see if it presented hopes of being dredgeable. On the strength of the information obtained the Director of Marine and the Consulting Engineers have been in correspondence with the principal dredger builders at home. It is generally agreed that the bar can be dredged though it is doubtful whether the results will have any permanency and whether it will be practicable to keep it dredged without expensive training banks. Ideas have been exchanged as to the most suitable type of vessel to build for the purpose but beyond that nothing further has been done up to the moment.

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

7. To ask whether in view of the increasing deaths from plague—the figures for 1928, up to the week ending October 20th, being 369 as against 28 for the whole of 1926, the first year of the plague—Government will not, after the heavy expenditure incurred on the de-ratting scheme, consider the advisability of re-introducing inoculation as a supplementary measure?

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

3. To ask the Honourable the Acting Chief Secretary whether the Public Works Department is to take over the maintenance of the road between Oron and Aba, via the new Uyaron Bridge, and if so, when? and if not, why not?

The Hon. the Director of Public Works:—

This question is under consideration. The Uyo Oron road via Uyaron is parallel to the Uyo Ikofobo—Oron route. The latter is already bridged and maintained by the Public Works Department.

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

4. To ask the Honourable the Acting Chief Secretary whether the latest figures available to the Government show a likelihood of the Estimated Revenue for 1928-1929 being realised or not? And if not, what steps if any have been taken by the Government towards curtailing expenditure for the year?

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

The reply to the first part of the question is in the affirmative, the second part does not therefore arise.

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

5. To ask the Honourable the Acting Chief Secretary—

(i) How much it is estimated will be collected during the current financial year in direct taxation from each of the following Provinces: Calabar, Owerri, Onitsha and Ogoja?

(ii) What proportions of such amounts will be allocated to each of these provinces; and what amount it is estimated will be actually expended in each province during the current financial year, out of the local allocations of direct taxation?

(iii) Whether it is anticipated that the expenditure hitherto met from general revenue in respect of these provinces will be materially reduced by virtue of the expenditure of the allocated portion by the local administrations?

His Honour the Lieutenant-Governor, Southern Provinces:—

It is proposed to include figures for Warri Province where taxation was also introduced in 1927.

(i) The revised estimates of the proceeds of direct taxation are as follows:—

	£
Calabar	84,677.
Ogoja	41,826.
Onitsha	66,613.
Owerri	101,783.
Warri	33,760.
Total	£328,659.

(ii) In accordance with the provisions of section 15 of the Native Revenue Ordinance, Chapter 74, and with the order of the Governor under that section, one-half of the total amount of tax collected in each of these Provinces is payable to the Resident for the general revenue of Nigeria; the remainder is paid in to the Native Treasuries. It is estimated that out of the total revenue accruing to the Native Treasuries, including the half of the tax, the following sums will be spent during the current financial year:—

	£
In the Calabar Province	44,156.
In the Ogoja Province	22,735.
In the Onitsha Province	37,322.
In the Owerri Province	65,209.
In the Warri Province	35,336.
Total	£204,758.

(iii) It is necessary to enter into a certain amount of detail in reply to this part of the question.

The cost to General Revenue of introducing taxation has been as follows:—

Loss of fines and fees from Native Courts ...	£ 118,814.
Special police including all charges connected therewith ...	18,327.
Total ...	£137,141.

These figures are taken from the last completed returns which are those for the financial year 1927-28.

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It may be anticipated that as these Native Administrations develop, and after necessary reserve funds have been accumulated, a larger share of general development expenditure will be undertaken by them, and saved to Government.

The Hon. the Member for Shipping (Provisional) Mr. F. Bateman Jones, in the absence of the Hon. the Member for Shipping (Mr. H. S. Feggetter):—

6. To ask the Honourable the Chief Secretary to the Government: in view of the recommendations made by the Imperial Shipping Committee in their report issued this year, whether the Government of Nigeria intend proceeding with any of the suggestions recommended, more especially the construction of a dredger for use in connection with the deepening of Bonny Bar, as whilst the present financial stringency is appreciated, it should be borne in mind that the necessary plans will take some time to prepare and no actual money will be required for the dredger for at least a couple of years.

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

(i) The Report of the Imperial Shipping Committee has only just been received, and there has hardly been time to study its recommendations and decide upon the policy to be pursued.

(ii) As regards Bonny Bar, some experimental dredging was carried out last January with the small grab dredger *Mole* to try and get some indication of the nature of the material forming the bar to see if it presented hopes of being dredgeable. On the strength of the information obtained the Director of Marine and the Consulting Engineers have been in correspondence with the principal dredger builders at home. It is generally agreed that the bar can be dredged though it is doubtful whether the results will have any permanency and whether it will be practicable to keep it dredged without expensive training banks. Ideas have been exchanged as to the most suitable type of vessel to build for the purpose but beyond that nothing further has been done up to the moment.

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

7. To ask whether in view of the increasing deaths from plague—the figures for 1928, up to the week ending October 20th, being 369 as against 368 for the whole of 1926, the first year of the plague Government will not, after the heavy expenditure incurred on the de-ratting scheme, consider the advisability of re-introducing inoculation as a supplementary measure?

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

(i) This question is founded on two statements which require correction:—

(a) The first year of plague was 1924 and not 1926 as stated.

(b) The deaths from plague during the whole of 1926 totalled 476 and not 368 as stated.

(ii) It is not considered advisable to re-introduce routine inoculation as a supplementary measure against plague. There is no evidence to show that inoculation for plague has ever controlled an epidemic.

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

8. Whether with a view to improving the health conditions of the township of Lagos and before the proposed town planning scheme comes into operation, Government will not do something to remedy the disgraceful conditions of the existing drains at Alajero, Oke Arin and Offin districts especially where the market women have been removed to in Egerton Road?

The Hon. the Administrator of the Colony:—

This is a matter for the Lagos Town Council to deal with. The Acting Town Engineer denies that the drains generally in the area mentioned in the question are in a disgraceful state, though it is true that the temporary drain through the reclamation area at Alajero is not functioning satisfactorily. On the completion of the reclamation scheme permanent concrete drains will be constructed.

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

9. (a) Whether in view of the persistent and growing dissatisfaction with the Native Courts System, Government does not consider it advisable to appoint a commission of enquiry to investigate and report upon its workings and to make recommendations, if necessary?

(b) Whether it is the intention of the Government to confer any judicial function upon the Native Chiefs in the Colony?

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

(a) The Government is not aware of any persistent and growing dissatisfaction with the Native Courts system, which is based on the indigenous institutions of the people. On the contrary, the fact that the number of civil cases heard in the Native Courts of the Southern Provinces has increased by over thirty *per cent.* in the last ten years seems to refute the Honourable Member's assumption. The Government therefore does not consider it necessary or advisable to appoint a Commission of Enquiry for the purpose mentioned by the Honourable Member.

(b) This matter is receiving the consideration of the Government.

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

10. In view of the age limit that is being imposed upon the admission of pupils to King's College, whether the Government will not consider the advisability of introducing some experimental form of compulsory education restricted to the township of Lagos?

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

With the demand for education throughout Nigeria far exceeding the provision that can be made with the funds available, Government is not justified in spending any part of the general revenue on compulsory education, *i.e.*, on forcing education upon people who do not want it when there are still many who are demanding it and to whom it cannot be given. But if any community desire compulsory education and is prepared to pay for it in full the Government will co-operate.

His Excellency is therefore prepared to appoint a committee, if any useful purpose can thereby be served, with the Honourable Member as Chairman, if he consents, to prepare a scheme of compulsory education for the Township of Lagos, it being an essential feature of the scheme that it shall be self-supporting and shall not involve any additional burden on the general revenue.

The Hon. the Second Lagos Member (Mr. E. O. Moore): I shall be very pleased to accept the position.

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

11. (a) How many persons have since the inauguration of the Yaba settlement scheme and up to date, applied for plots of land under the terms offered by Government?

(b) As the success of the Lagos town planning scheme is so closely connected with the Yaba scheme, whether Government will re-consider the advisability of exchanging the present leasehold terms for freeholds?

The Hon. the Commissioner of Lands:—

(a) Thirty-five persons have applied for plots since the Yaba scheme was inaugurated, but no plots have been taken up.

(b) The Government has communicated with the Secretary of State regarding the development of Yaba, and further consideration must await his reply.

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

12. Whether in view of the rapid progress that is being made with aviation in West Africa, Government does not think it advisable to provide a suitable place in Lagos and its environs for the landing of aeroplanes?

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

This question has been under consideration for some time past and is being carefully explored.

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

13. Whether Government is aware of the fact that the army of unemployed is increasing daily and is likely to give cause for alarm and what steps (if any) does the Government intend to adopt in dealing with the matter?

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

The Government is aware that there is unemployment in Lagos, and similar conditions may exist to a lesser degree in other coast towns. There is a demand for labour in Egba land and throughout Nigeria an assured subsistence can be obtained in agricultural work. Any measures which Government might take would only have the effect of dissuading the unemployed from seeking work where it may be obtained, or from returning to their villages and engaging in agricultural work. Government is, therefore, not prepared to take any action in this matter.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

14. To ask the General Manager whether the desirability of lighting the Sunday Lafenwa to Iddo trains which often arrive at Iddo as late as 7.30 p.m. does not commend itself to the Railway authorities? and whether—

(i) He is of the opinion that his reply to a question on this subject in this Council that the composite carriages are illuminated with oil lamps is now borne out by subsequent facts?

The Hon. the General Manager of the Railway:—

(i) The work of wiring third class coaches has been steadily proceeded with for some time past, and on and from Sunday next the 25th instant, it will be possible to light the Sunday Lafenwa-Iddo train with electric light. This train is due at Iddo at 18.55 hours, and, for the six months ending with the last Sunday in October (28th), arrived at Iddo punctually to time, with only one exception, viz., September the 2nd, when it was fourteen minutes late.

(ii) My previous reply was to the effect that a system of oil lamp has been tried and proved unsatisfactory besides being inadequate.

The Hon. the Member for the Egba Division (Mr. S. H. Pearce):—

15 How far the training of Africans as main line locomotive drivers had been successful. How many have been passed out since 1926 to date?

The Hon. the General Manager of the Railway:—

I would refer the Honourable Member to page 25 of the Administrative report of the Nigerian Railway for the year ending 31st March, 1928, which has been laid on the table as Sessional Paper No. 24 of 1928, and shows the number of Africans trained as drivers from 1926.

Since the 1st of April last the figures to date are:—

Apprentice drivers under training	45
Apprentice drivers or firemen promoted to shunting drivers	16
Apprentice firemen or shunting drivers to main line	7

The Hon. the Member for the Egba Division (Mr. S. H. Pearce):—

16 To ask Government what are the specific duties of the Nigerian Central Road Board, and how soon will a report on its recent activities be laid before this Council?

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

In view of the desirability of co-ordinating all transport and communication problems throughout Nigeria, the Central Roads Board has now ceased to exist and its place has been taken by the new Communications Board. This Board, like its predecessor, is purely advisory in character, and will hold its first meeting during or immediately after the present Session of the Legislative Council. Its constitution is as follows:—

The Chief Secretary to the Government (Chairman).
 The Lieutenant-Governor, Northern Provinces.
 The Lieutenant-Governor, Southern Provinces.
 The Commandant.
 The Director of Marine.
 The Deputy Chief Secretary.
 The General Manager of the Railway.
 The Director of Public Works.
 The Director of Agriculture.
 The Postmaster-General.

Non-official.

Mr. V. R. Osborne.

Mr. W. F. Becker representing the Lagos Chamber of Commerce.

I would invite the Honourable Member's attention to Notice No. 14 in the Gazette of the 25th October, 1928. The Board does not make a report to Government, but only submits recommendations.

The Hon. the Member for the Egba Division (Mr. S. H. Pearce):—

17 To ask how soon the solution of land tenure question in Abeokuta will be effected in view of the promises made by Government?

The Hon. the Commissioner of Lands:—

The Honourable Member does not state to what promises he refers and the reference to the land tenure question in Abeokuta is of too general a nature to enable a satisfactory answer to the question to be given. The Government has had under consideration for some time various matters concerning land in Abeokuta but reports in the press which have come to the notice of Government that a scheme has been definitely decided upon are entirely without foundation.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

18. To ask the Director of Public Works whether he does not think it expedient considering the question of unemployment in Abeokuta, to give preference to Egba contractors in the road construction at least with in the area of the province of Abeokuta?

The Hon. the Director of Public Works:—

Local contractors will be given every consideration if they would apply to the officer in charge of works. Whatever contractors are employed the bulk of the labour is generally locally recruited.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

19. The Government having given the assurance in this Council on the 16th February, 1926, that the question of taking over the maintenance of other than trunk roads in Abeokuta was under consideration and from the fact that the tax on vehicles in Abeokuta is collected by the Central Government, how soon will Government be ready to redeem its promise in this respect, particularly as regards places like Ijemo, Itoku and places other than Ake Central, where there are no roads?

The Hon. the Director of Public Works:—

The answer given in this Council on the 16th of February, 1926, referred to roads in Abeokuta Province. The Honourable Member now refers to roads in Abeokuta Town for the maintenance of which, other than trunk roads, Government cannot regard itself as responsible.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

20. Whether any examination has recently been made as to the adequacy of Abeokuta water supply, whether filtration is being carried out under improved modern methods and whether the water is potable from hygienic standpoint?

His Honour the Lieutenant-Governor, Southern Provinces:—

This Native Administration Waterworks' undertaking has been investigated by the Senior Waterworks Engineer who reported that the distribution is inadequate. £1,000 was, however, included in the Native Administration Estimates for 1928-29 for an extension of the supply and a further £1,000 sanctioned on 30th July last.

The filtration plant originally provided has been out of operation for some years and the supply cannot be regarded as conforming to modern hygienic standards. Mixing tanks and chemicals are about to be added to the plant which it is expected will make the water cleaner and more potable.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

Arising out of that reply, Sir, may I ask how soon Government will take steps to ameliorate the present position?

His Honour the Lieutenant-Governor, Southern Provinces:—

Government has already taken steps to ameliorate the position very considerably. It is not a question for the Government, but is a question for the Egba Native Administration.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

21. To ask how many officers have been trained for Nigeria by the Imperial College of Agriculture in Trinidad, considering that Nigeria contributes £2,500 a year at present towards the general funds of that College?

The Hon. the Director of Agriculture:—

Twelve officers have been trained in three recruiting seasons.

RESOLUTIONS

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:—

“ Be it resolved: That, this Council approves the co-operation of the Government of Nigeria in the Imperial Scheme for the establishment and maintenance of a Colonial Agricultural Research Council and Service and, in addition, guarantees a proportion of the sum required for the establishment and maintenance of the Council, which has been fixed at £1,200 *per annum* during the initial stages of the Scheme, and agrees to the percentage cess on the Revenue which will come into operation eventually, as indicated in Sessional Paper No. 23 of 1928, which has been laid on the table.”

Sessional Paper No. 23 of 1928, Sir, contains the Report of the Committee appointed by the Secretary of State last year to enquire into the organisation of a Colonial Agricultural, Scientific and Research Service, together with the correspondence which has passed between the Secretary of State and this Government relative thereto. That Report runs to some 47 pages and every word of it will repay study. It sets out in detail the proposals of the Committee for the establishment in England of a Colonial Advisory Council of Agriculture and Animal Health, for the establishment in the Empire of a chain of research stations, and for the formation of a Colonial Agricultural Service. It is with the first and third of these that the present resolution mainly is concerned. The value of the Advisory Council lies in the fact that it will provide the Secretary of State and the Colonies with highly qualified constructive criticism. That is a point of first importance. And secondly, it will give advice on promotion on transfer based on personal knowledge of individuals. This will be invaluable, and it is certain that an adequate recognition of merit and ability will be a great asset towards recruiting the best officers. Towards the sum required for the establishment and maintenance of the Council during the initial stages, this Government is asked to contribute the sum of £1,200 a year. It is anticipated that the Council will be required to function for some little time before the Colonial Agricultural Service can be inaugurated. When that service comes into being, it is proposed that the expenses of the Council together with the salaries of the members of the Colonial Agricultural Service shall be paid out of a central fund which will be administered by the Crown Agents, such central fund drawing its revenue from a percentage cess on the respective revenues of the various colonies.

Under this scheme the greater part of the contributions made by Nigeria will be repaid in the shape of salaries paid to agricultural officers serving in Nigeria. The formation of the service will have this great advantage that it will encourage recruiting, and recruiting of the best type of man; and it will make it possible for conditions of service to be introduced which are more appropriate to scientific appointments, conditions furthermore which will facilitate transfers on promotion. That, Sir, is an outline of the scheme, and I do not propose to attempt to reproduce the arguments and details set out in the Report of the Committee which is in the hands of Honourable Members, but with your permission, Sir, in urging upon this Council the desirability of supporting the scheme, I propose to quote just two passages from the concluding part of the Report, the first from paragraph 80:—

“ Science does not stand still, and the country which lags behind in the application of the latest scientific knowledge to the practice of agriculture must suffer a loss which cannot be estimated. The failure to provide for efficient and up-to-date agricultural research may mean not merely serious annual losses on crops but indeed the loss of a whole industry to a country or group of countries: on the other hand, the provision of such research may mean the gain to a country of a new industry or at any rate the retention of an industry which would otherwise be lost. Such are the large issues at stake.”

And again from paragraph 81:—

“ The proper organisation of the agricultural resources of the Colonial Empire must always depend first and foremost on the supply of properly trained and qualified staff. It is our considered opinion that the creation of the

“Colonial Agricultural Service will in itself put recruits on an entirely new basis. The Service will offer a wide and varied career, which will afford its members the opportunity of doing the best work within their power and of receiving full recognition for that work, while, on the financial side the scales of salary which we have recommended, and which approximate to those paid to scientific officers in private employment, should not fail to attract the ablest recruits.”

Such, Sir, are the large issues at stake, and the important proposals which I now invite this Council to approve. I beg, Sir, to move the resolution standing in my name.

The Hon. the Director of Agriculture: I beg to second the motion.

The motion was carried unanimously.

His Honour the Lieutenant-Governor, Southern Province: I rise, Sir, to propose the motion standing in my name:—

“Be it resolved: That, this Council approves the loan of £3,000 to the Port Harcourt Township as first instalment of a loan of £10,000 for the Port Harcourt Market Scheme, at four *per cent.* interest, repayable by five annual instalments, including capital and interest of £673 17s. 6d.”

The growing township of Port Harcourt is without a market in any way adequate for its needs. As you know, Gentlemen, Port Harcourt is a hubbly-minded place, it does not claim market buildings as a right but approaches you with the request for a loan at interest. Its Advisory Board has submitted an admirable scheme of progressive market construction, sanitary in design, cheap to build, giving ample room for any necessary future extension and leaving intact for as long as possible the permanent sheds already erected on the market side. The plans and estimates have been drawn up by Dr. Dutton, Senior Sanitary Officer, and Mr. Hailes, Architect, Public Works Department. There is nothing elaborate about the scheme and it is the really good, concrete proposal submitted by a township Board. Rents are to be kept low: 2s. 6d. per month in the case of stalls for daily produce, dried fish and beads and hardware; 3s. 6d. for cookery stalls and 10s. in the case of butchers and retailers of cloths.

The estimated total cost to provide 694 stalls is £10,350 with a yearly estimated revenue of £1,122. Of this total cost the Township now asks this Honourable Council for an initial instalment of £3,000 at four *per cent.* repayable in five yearly instalments. I would commend this small loan to your consideration.

The Hon. the Treasurer: I beg to second the resolution.

The motion was carried unanimously.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:—

“Be it resolved: That, this Council approves the expenditure of a sum of £2,517 10s. for the expenses incurred in connection with the participation of the Government of Nigeria in the Special West African Number of *The Times* newspaper, published on the 30th of October, 1928.”

I suppose, Sir, that every Member of this Council has seen and read with interest the special West African Supplement of *The Times* which was published on the 30th October, and will agree that it would have been unthinkable that this Government should have failed to support the publication of that issue. At the same time Honourable Members will wish to know how the very considerable sum involved in participation is made up. The whole sum, Sir, represents the cost of advertising space in the publication taken up by this Government. That space is as follows:—

One whole page for the Udi Coalfields in a special position that is to say opposite the last page of editorial matter.

One whole page for the Railway;

For the rest of Nigeria two other whole pages and a quota of the front page.

The world-wide circulation of *The Times* is a matter of common knowledge, and the estimated circulation of this number is 300,000 copies. This Government spends very little on advertising as a general rule, but when an opportunity such as this occurs, I feel sure that all Honourable Members of this Council will agree that the money is well spent. I beg, Sir, to move the resolution standing in my name.

The Hon. the Treasurer: I beg to second the motion.

The Hon. Mr. W. F. Becker: Your Excellency, the Government may be committed to this expenditure—I am not actually going to oppose the motion—but I should like to take this opportunity of enquiring if there is any policy laid down with regard to expenditure on publicity? Most advertisers, when they contemplate the spending of money, have a definite object; they want to sell something, or they want people to travel on their railway, or to settle in their country, or take up land, and so on. I should like to know what actually the Government think is going to be the result of this publication?

I quite agree with everything the Honourable Chief Secretary has said with regard to the special number. I have read it with very great interest indeed, and may add that I was persuaded to contribute an article, which I did at the expense of great pain. At the same time, personally, I very much doubt whether this expenditure will do this country the slightest good.

The Hon. the Acting Chief Secretary to the Government: In reply to the Honourable Member, Sir, I must say, as everybody knows, that generally speaking this Government has nothing definite to sell as a Government, but it was thought that, when an opportunity such as this occurred of giving world-wide publicity to the advantages which Nigeria is now enjoying and the manner in which her trade is expanding, and the opportunities there are for development and enterprise in Nigeria, it was an opportunity which should not be missed. Admittedly, as I have said, generally speaking there is nothing the Government has definitely to sell, but it is obviously to the Government's advantage and generally for the good of Nigeria to attract enterprise to the country, and it was mainly with that idea that the Government felt it was justified in contributing towards the issue of this Supplement. The point which the Honourable Member has mentioned was the very point which was present to the Government's mind, namely, that it had anything to sell, that should be the thing to be specifically advertised. The commodity which the Government has to sell is coal, and it is doing all it can to attract custom for that coal. Therefore, as will have been noticed, in moving this resolution I indicated that the Government spent most money on advertising its coal, taking a whole page in a most prominent position in advertising the Udi Coalfields. I feel sure that this is a point which the Honourable Member must approve.

The Hon. the Member for the Egba Division (Mr. S. H. Pearce): Your Excellency, there is a point which is not quite clear. I think the special number of *The Times* on West Africa is a business proposition. Surely the proprietors of that paper felt that if they were not going to make money by publishing that number, they would not have taken it up. It is possible that that number has enhanced the publicity of *The Times* considerably, and the proprietors must have made money by adding that special number to *The Times*, and I certainly do not think this Colony should be called upon to subscribe in supporting that number. Particularly I should like to know what profit would accrue to the proprietors through the publication of that special number. I am not moving an amendment, but I think I should point it out to Government as being a very bad principle, because a local newspaper would take up the question of advertising the Udi Coalfields, take up the question of advertising the Railway, take up the question of advertising King's College and so on if Government would afford a certain amount of money in supporting such advertising.

The Hon. the Second Lagos Member (Mr. E. O. Moore): I should like to know whether Government promised to support this special number of *The Times* before advertising space was taken, and how much was contributed by each of the other Colonies, and how many free copies have been supplied to Government?

The Hon. the Acting Chief Secretary to the Governments: In regard to the question asked by the Honourable Member for the Egba Division, (Mr. S. H. Pearse) which as I understand it, is what profit the proprietors of *The Times* will make out of the publication of this number, I am afraid I am unable to give him the information asked. It is not the practice of newspapers to communicate to advertisers in their columns the profits which they make out of their issues.

With regard to the question asked by the Honourable the Second Member for Lagos, the first one was, I think, whether Government agreed to cooperate in the publication of the issue before taking up advertising space. The answer is "yes." As the Honourable Member knows, two correspondents from *The Times* came out and visited Nigeria, and did a certain amount of propaganda work both among Government and private persons, and they induced the Government to support the proposition to issue this West African number.

I am afraid, Sir, I cannot give off-hand the number of free copies which were supplied to this Government. If the Honourable Member likes to put down a question, I will have the figures looked up and a reply given.

His Excellency then put the resolution to the vote and it was carried unanimously.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:

"Be it resolved: That, this Council approves the expenditure
 "of a sum of £280 for the expenses incurred in con-
 "nection with the proposed publication of a standard
 "work on the Birds of West Africa by Mr. D. A.
 "Bannerman, and of the expenditure of a like sum
 "during the three financial years 1929-30, 1930-31, and
 "1931-32, the total of such expenditure amounting to
 "£1,120."

Everyone, Sir, who has lived for any length of time in West Africa and takes even a passing interest in natural history, must at some time or another have felt the want of a standard work on the birds of the country. The need is even more felt by agriculturists and foresters to whom such a work would be of definite service and utility, and of definite scientific value. The British West African Governments have therefore felt justified in giving support to a suggestion put forward by the Trustees of the British Museum that the Governments should combine in giving financial support to the preparation and publication of such a work by Mr. D. A. Bannerman, the well-known ornithologist, whose special experience of West African birds both in the field and in the Museum, render him well qualified for the task. It is anticipated that the work will fill four or five volumes and take some four years to prepare, and the total cost is anticipated to be about £3,000. It is proposed that that cost should be borne by the Governments concerned in the proportion of three-eighths each by Nigeria and the Gold Coast, three-sixteenths by Sierra Leone and one-sixteenth by the Gambia. The contribution from this Government will therefore be about £280 a year for four years, and it is to this proposal that I now ask this Council to give its consent.

I beg, Sir, to move the resolution standing in my name.

The Hon. the Treasurer: I beg to second the motion.

The motion was carried unanimously.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:

"Be it resolved: That, this Council approves a grant towards
 "the establishment of Colonial Services Clubs in con-
 "nection with the Tropical African Services Courses at
 "Oxford and Cambridge, and of annual contributions
 "towards their maintenance, on the terms set forth in
 "paragraph 8 of the Secretary of State's despatch of the
 "10th of April, 1928, which has been printed and laid
 "on the table as Sessional Paper No. 32 of 1928."

Sessional Paper No. 32 of 1928, Sir, contains the Secretary of State's despatch on the Colonial Service Clubs at Oxford and Cambridge, together with a copy of the report on the Oxford Club, and the supplement that Honourable Members had placed in their hands this morning, contains the corresponding report on the Cambridge Club. These clubs have been formed in pursuance of the recommendation of a Committee set up last year by the Colonial Office Conference, with Sir Gordon Guggisburg as chairman, to report on the courses at Oxford and Cambridge for probationers appointed to the Tropical African Administrative Services. That recommendation was as follows:—

“ We consider it essential that in each University there should be some central focus for the Colonial Probationers.”
This should include:—

(i) A well-equipped library.

(ii) Something in the nature of a common room where the probationers can meet each other and hold discussions. This room should be at the disposal of any probationer who is under training for any branch of the Colonial Service. We consider that the provision of such a common meeting ground would be of great importance to the comfort of the men and would do much to promote *esprit de corps* and improve the future relations between those who will enter different branches of the service.

(iii) If possible, one or more lecture rooms.”

One has only to read those two reports on the Clubs at Oxford and Cambridge to realise the very real value of the Clubs. They are invaluable both for assisting in recruiting, and recruiting the right type of men, and for creating an *esprit de corps* amongst those probationers who have been already selected. Those of us, Sir, who have met some of the latest batches of recruits as they have passed through Lagos, cannot but have been struck by the fact that they have arrived here with an *esprit de corps* already acquired. They have arrived not as so many individuals arriving in a strange country, but as members of a Service, coming out to join their brother officers. That is a tremendous gain, Sir, and it has been largely brought about by the establishment of these Clubs at Oxford and Cambridge. But one cannot establish and equip a club house without expense, and consequently each of our Colonial Governments is being asked to contribute towards the necessary cost on the basis of so much for each probationer allocated to it. This sum is estimated, for the period ended 30th September, 1928, at £12, and thereafter at £6 or £7 annually. The total sum in any year payable by Nigeria, will of course depend upon the number of probationers in training for Nigeria in that year; but in any case, it is a small sum to pay for the undoubted advantages which have accrued and will continue to accrue from the expenditure. I have therefore no hesitation in asking the Council to approve the grant. I beg, Sir, to move the resolution standing in my name.

The Hon. the Acting Secretary for Native Affairs: I beg to second the resolution.

The motion was carried unanimously.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:—

“ Be it resolved: That, this Council approves the grant of
“ an annual allowance at the rate of £15 *per annum* to
“ Mr. Shidi, ex-Boatswain, Marine Department, whose
“ services were dispensed with from the 1st of June,
“ 1927, inclusive, on account of reduction of staff.”

Ex-Boatswain Shidi joined the Marine Department on the 1st February, 1909, and owing to reduction of staff in the Niger Division, his services had to be dispensed with at the end of May last year. The Director of Marine has notified that his work and conduct were satisfactory and his efficiency above the average, whilst his salary was not more than it would have been had he been employed in a pensionable office. In ordinary circumstances such a certificate would render him eligible to receive an annual allowance upon retirement under the ordinary Pensions Law, and it would not have been necessary to trouble this Council with his case, but unfortunately, through no fault of his own, he had a break in his service of nearly seventeen months in 1916 and 1917. He was then retrenched owing to the ship in which he was employed being laid up during the war.

I think Honourable Members will agree that such fortuitous circumstances should not be allowed to operate so as to deprive him altogether of the allowance which would otherwise have been granted to him. In this case it would have amounted to £16 9s. 10d. a year, and under the terms of the resolution the Council is being asked to grant him £15 a year. It is necessary to ask for this resolution to be passed in order that justice may be done in this case. I beg, Sir, to move the resolution standing in my name.

The Hon. the Director of Marine: I beg to second the resolution.

His Excellency: Does any one wish to speak on the resolution?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have no wish to oppose the resolution Sir, I am entirely in favour of it, but I should like to be assured that in such cases as this, as there are so many posts in the country which might be filled by such approved servants, whether it is first considered whether other employment in another Department of the Government could not be offered to such a type of servant whose abilities and faculties are apparently unimpaired?

The Hon. the Acting Chief Secretary to the Government: I can fully give that assurance to the Honourable Member. In all such cases there is a careful look round made to see if there is another post to be filled. Frequently posts are found for such men, as messengers in Government offices. Perhaps the Honourable Director of Marine will say what the circumstances of this man are and if he is suitable for further employment.

The Hon. the Director of Marine: This man, Sir, is a Nupe man of the Upper Niger, and is quite unsuitable for work in Lagos. He is now an old man and at his time of life it would have been quite a mistake to have brought him down and started him in any work down here. Even had he not been retrenched, he would have been retired in the course of a year or two.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I am quite satisfied with that explanation, Sir.

The resolution was carried unanimously.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:

“Be it resolved: That, the Supplementary Estimates for 1927-28 and for 1928-29 which have been laid on the table to-day be referred to the Finance Committee.”

The Hon. the Treasurer: I beg to second the resolution.

The resolution was carried.

The Hon. the Acting Chief Secretary to the Government: I should like to say, Sir, that the Finance Committee will meet immediately after this Session of Council.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following resolution:

“Be it resolved: That this Council approves an annual grant of £200 towards the cost of a season ticket on the Nigerian Railway for the Organising Secretary of the Nigerian Branch of the Boys Scouts Association and 3rd class fares for two servants.”

Everyone, I think, Sir, is aware of the excellent work which the Boy Scouts' Association has done and is doing in Nigeria and will agree that every facility and encouragement should be given to the Association by the Government. Until recently this good work has been in the devoted and capable hands of an administrative officer, and the Association owes a very great debt to Captain Shepherd, but now it has outgrown the possibilities of a spare time job, and a whole time organising secretary has been appointed.

Obviously one of the facilities which this Government can grant to him is a free pass upon the Government Railway, but the Railway, like all good business concerns, is not a philanthropic institution and requires to be paid even for this service, so it is necessary to ask this Council to vote the necessary funds even though it is only a book transaction. Accordingly, Sir, I have to ask Council to vote £200 annually for the purpose set out in the resolution. I beg, Sir, to move the resolution standing in my name.

His Honour the Lieutenant-Governor, Southern Provinces: I beg to second the resolution.

The resolution was carried.

BILLS.

THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Treasurer, a Bill entitled "The European Officers' Pensions (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE PUBLIC OFFICERS' GUARANTEE FUND (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Treasurer, a Bill entitled "The Public Officers' Guarantee Fund (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Treasurer, a Bill entitled "The Widows' and Orphans' Pensions (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE WILD ANIMALS PRESERVATION (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, a Bill entitled "The Wild Animals Preservation (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Comptroller of Customs, a Bill entitled "The Customs Tariff (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the General Manager, Nigerian Railway, a Bill entitled "The Criminal Code (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE NATIVE CHILDREN (CUSTODY AND REFORMATION) (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, a Bill entitled "The Native Children (Custody and Reformation) (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Administrator of the Colony, a Bill entitled "The Lagos Township (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE 1927-28 SUPPLEMENTARY SUPPLY ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Treasurer, a Bill entitled "The 1927-28 Supplementary Supply Ordinance, 1928," 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 the next meeting of the Council.

THE STAMP (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Postmaster-General, a Bill entitled "The Stamp (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE TELEGRAPHS (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Postmaster-General, a Bill entitled "The Telegraphs (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE WIRELESS TELEGRAPHY (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Postmaster-General, a Bill entitled "The Wireless Telegraphy (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Marine, a Bill entitled "The Shipping and Navigation (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT) (AMENDMENT NO. 2) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Commandant, a Bill entitled "The Royal West African Frontier Force (Niger Regiment) (Amendment No. 2) Ordinance, 1928," 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 the next meeting of the Council.

THE MASTER AND SERVANT (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Senior Resident, Kano Province, a Bill entitled "The Master and Servant (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE SURVEY (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, a Bill entitled "The Survey (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, a Bill entitled "The Motor Traffic (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE POLICE (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Southern Provinces, a Bill entitled "The Police (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Southern Provinces, a Bill entitled "The Townships (Amendment) Ordinance, 1928," 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 the next meeting of the Council.

THE REGISTRATION OF DESIGNS ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Public Works, a Bill entitled "The Registration of Designs Ordinance, 1928," 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 the next meeting of the Council.

THE POST OFFICE ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Postmaster-General, a Bill entitled "The Post Office Ordinance, 1928," 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 the next meeting of the Council.

THE EUROPEAN RESERVE FORCE ORDINANCE, 1928.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Commandant, a Bill entitled "The European Reserve Force Ordinance, 1928," 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 the next meeting of the Council.

The Hon. the Commissioner of Lands: I beg, Sir, to bring up the Report of the Select Committee on the Bill entitled "An Ordinance to make provision for the re-planning, improvement and development of Lagos" and to lay the Report on the Table.

Report of Select Committee on the Lagos Town Planning Bill.

Your Excellency,

We beg to report that the Select Committee on the Lagos Town Planning Bill met on the following dates:

5th March, 1928.

7th March, 1928.

14th March, 1928.

All the members were present at the above meetings.

2. The composition of the Development Board as given in clause 3 was very carefully discussed as regards the desirability or otherwise of including unofficial members, and in particular members or servants of the Town Council. The Committee recommend that clause 3 shall be amended to make the composition of the Board as follows:—

“(2) The Board shall consist of five members, that is to say, of three *ex-officio* members and two nominated members.

“(a) The *ex-officio* members shall be the officers for the time being discharging the duties of:—

“(1) The Commissioner of Lands, (Chairman).

“(2) The Director of Public Works.

“(3) The Deputy Director of Sanitary Service.

“(b) The two nominated members shall be appointed by the Governor.”

3. In clause 8 the Committee recommend that the expression “required owner” should be deleted and similarly for clauses of a like nature. These amendments are shown in the new printed copy of the Bill.

4. The Committee recommend that the Supreme Court shall be substituted for the Arbitrator. The Committee believe that this arrangement will be more satisfactory to everyone concerned having regard to the difficulties of arbitration in Nigeria. Amendments necessary to effect this have been drafted and incorporated in the new printed Bill, in clauses 40 to 49 inclusive.

5. The Committee considered that clause 55 in the Bill does not give sufficient power to sell land. The Bill as it stands only gives power to the Board to sell land which it purchased during the course of its operations and not to sell land which came into its possession as existing Crown Land at the beginning of its proceedings. Serious difficulties are likely to arise out of this restriction. A particular difficulty would arise should the Board embody the area formerly covered by a street, which is to be disused under the scheme, in a re-distribution scheme, and the Board would be unable to sell fragments of plots made up from portions of the disused road when the plots were ready for re-sale. Many similar cases are envisaged by the Committee and the Committee consider that the Board should have power to make all such adjustments as will be necessary and desirable.

The clause is shown amended according to these recommendations in the new printed copy of the Bill.

6. In clause 56 words improving the effect of the clause were inserted.

7. The Committee recommend that the town planning rate levied under the Bill should not exceed the amount the Town Council is empowered to levy as an improvement rate and an amendment has been inserted in the new printed Bill to this effect.

8. The Committee recommend that sub-clauses (f) and (g) of clause 66 are amended in the manner shown in the new printed Bill to remove any doubt as to the purpose of these sub-clauses.

9. In clause 76 the time required for notice to be given is considered by the Committee to be too short and it is recommended that the period be extended to 3 days.

10. The Committee recommend the deletion of clause 67 (1) (b).
11. The Committee drew attention to the absence of the schedule in the Bill as before the Council, and caused the schedule containing Form A and Form B to be inserted.
12. The Committee, after consideration of the various amendments, have caused them to be embodied in a new printed Bill which is submitted with this report for the consideration of the Council.

(Sgd.) R. H. ROWE,
Chairman.

(Sgd.) D. ALEXANDER,
D.M.S.S.

(Sgd.) W. BIRRELL-GRAY,
Administrator.

(Sgd.) ROBERT F. IRVING.

(Sgd.) ARTHUR DARRELL,
Acting Treasurer.

(Sgd.) ERIC O. MOORE.

(Sgd.) KITOYI AJASA.

(Sgd.) W. F. BECKER.

Lagos

1 April, 1928.

The Hon. the Acting Chief Secretary to the Government: Before the discussion proceeds on this Bill, I think you, Sir, would like to have the views of Honourable Members, more particularly Honourable Unofficial Members as to the best procedure to be followed in regard to this Bill. There have been received from the Secretary of State since the Report of the Select Committee was prepared, a certain number of suggestions for further amendments and I understand that there may be some more suggestions for other amendments put forward by some of the Unofficial Members. In these circumstances the Government is entirely in the hands of the Unofficial Members as to what is the most convenient way to proceed: whether this Bill should be referred back to the Select Committee for further report, or whether it should be referred to a Committee of the whole Council to be gone through clause by clause, or whether we should proceed to the second reading and debate on it with the possibility of its having to be referred back for further amendment.

As I said before, Sir, before deciding what course to adopt, Your Excellency would welcome the views of Unofficial Members who are particularly interested in this Bill.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sir, the course I should like to propose is that the Bill as amended by the Select Committee should be referred to a Committee of the whole Council. It seems to me that that would be the most suitable course and personally I should like that to be done.

His Excellency: I understand you would like the House to go into Committee on the matter on Tuesday next. Does any Honourable Member oppose the proposal just put forward?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I should like to suggest, Sir, for the consideration of the House that the reasons for sending this Bill to a Select Committee as distinct from a Committee of the whole House appear still to apply to the proposed amendments. It is a very important Bill, and a general discussion in Committee of the whole House of a highly specialised Bill like this is apt to result in amendments being accepted, without full realisation of the effect of these amendments on other sections not amended. I think this is one of the main reasons why this Bill was sent to a Select Committee, and I would put forward, although I am not personally particularly interested in the details of the Bill, that that is a point which ought to be considered.

His Excellency: May I invite other members of the Select Committee to give their views on this point? Government does not wish to rush anybody, but wishes to do what will meet the general convenience of Unofficial Members.

The Hon. the Third Lagos Member (Mr. T. A. Doherty): I am of opinion, Sir, that the Bill should be sent to a Committee of the whole House. In such a Bill as this, the Unofficial Members should be given a chance of expressing their opinion.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I supplement, Sir, what I said just now and state my reasons for the course I propose. If the Bill is sent back to the Select Committee, the Unofficial Members are saying that they cannot give a report in time for this Session, and therefore the result would be that the Bill would be held up. I understand that the Commissioner of Lands is very anxious to have the Bill put through now so that certain powers which the Bill confer on him may be given him at the earliest possible date. I quite sympathise with his wish and understand the force there is in it, and it seems to me that the only possible compromise we can come to is to refer the Bill to a Committee of the whole House on Tuesday next.

The Hon. the Second Lagos Member (Mr. E. O. Moore): May we know, Sir, the extent of the amendments from the Secretary of State?

The Hon. the Commissioner of Lands: There are not very many amendments; just a word or two in some cases to improve the meaning of a clause, and a clause is cut out which rather restricts the time, and I am sure Honourable Members will agree with me that there will not be any difficulty at all as regards the amendments proposed by the Secretary of State.

His Excellency: I should like to point out to Honourable Members that Government cannot consent to this Bill being postponed until next February. The Bill has been before the public for a considerable time, and a new Bill has been drafted containing the amendments of the Select Committee, therefore it cannot be suggested that Honourable Members are not aware of the Bill and the amendments up to date.

Any further amendments are now of course to be considered, but we cannot give more indefinite time to consider them, because the matter is admittedly of some urgency. The only question now arising is whether we shall refer the Bill back to Select Committee or consider it in Committee of the whole House. The Honourable Commercial Member for Lagos (Mr. R. F. Irving) suggests a Committee of the whole House, and the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) suggests reference back to the Select Committee. That is the point we want now to settle.

The Hon. the Second Lagos Member (Mr. E. O. Moore): I suggest, Sir, that it would be more convenient to send it back to the Select Committee. I think they are a more competent body to deal with a technical Bill of this nature.

The Hon. Mr. W. F. Becker: It is quite immaterial to me, Sir, as one of the Members of the Select Committee whether it goes to Select Committee or to a Committee of the whole House. If it does go to Select Committee, it might be possible for them to sit this afternoon and report on Monday morning. There are so many of these amendments I understand, and any one of them might affect some of the subsequent clauses in the Bill, and in full Committee, these might be overlooked. After sitting for four or five days the Select Committee, even though some of the members are legal practitioners, missed out quite a number of necessary items.

His Excellency: I am inclined to think the better way is to have a Committee of the whole House as there are certain difficulties as to the Select Committee meeting again. The work has got to be done quickly, and I think the best way would be to send the Bill to a Committee of the whole House, say on Tuesday. I don't know whether the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) wishes to press his point?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): It seems to me, Sir, that if the Select Committee would take a longer time to deal with the amendments, then a Committee of the whole House would take longer, for they would have all the suggestions of the Select Committee plus others.

His Excellency: It is not necessarily going to save time to send the Bill to Select Committee, because in the meantime we are wasting our time doing nothing. I think the best course is to send the Bill to a Committee of the whole House, to be taken on Tuesday morning.

The Hon. the Commissioner of Lands: I beg to give notice, Sir, that on Tuesday morning, I shall move that this House go into Committee to consider this Bill clause by clause.

ADJOURNMENT.

The Council adjourned until 10 a.m. the 26th November, 1928.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Monday, 26th November, 1928.

Pursuant to notice the Honourable the Members of the Legislative Council met at the Council Chamber at 10 A.M. this day.

PRESENT :—

- The Officer Administering the Government,
His Excellency Sir Frank Baddeley, Kt., C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable Mr. D. Kingdon, K.C.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major U. F. H. Ruxton, C.M.G.
- The Acting Attorney-General,
The Honourable Mr. J. C. Howard.
- The Commandant,
The Honourable Col. W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. G. J. Pirie.
- The Treasurer,
The Honourable Mr. C. W. Leese.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., F.R.S., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Administrator,
The Honourable Major W. Birrell-Gray.
- The Acting Secretary for Native Affairs,
The Honourable Mr. W. Morgan.
- The Senior Resident Kano Province,
The Honourable Mr. C. W. Alexander, C.M.G.
- The Acting Secretary, Northern Provinces,
The Honourable Mr. H. H. Middleton.
- The Resident, Abokuta Province,
The Honourable Mr. F. B. Adams.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. W. E. Hunt.
- The Acting Deputy Chief Secretary,
The Honourable Mr. K. L. Hall.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, 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 Commissioner of Lands,
The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.
- The Acting Postmaster-General,
The Honourable Mr. G. B. Holden.
- The Minister for the Colony Division,
The Honourable Sir Kitoyi Ajayi, 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 the Egba Division,
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Commercial Member for Kano,
The Honourable Mr. J. W. Speer.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Member for Calabar,
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,
The Honourable Mr. T. A. Doherty.
The Honourable Mr. W. F. Becker, O.B.E. (Extraordinary)
- The Member for Shipping, (Provisional)
The Honourable Mr. F. Bateman Jones.

ABSENT.

- The Lieutenant-Governor, Northern Provinces,
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Senior Resident, Yola Province,
The Honourable Mr. G. S. Browne.
- The Senior Resident, Plateau Province,
The Honourable Capt. P. Lonsdale.
- The Senior Resident, Zaria Province,
The Honourable Mr. E. H. Laings.
- The Resident, Ijebu Province,
The Honourable Mr. P. A. Talbot.
- The Resident, Benin Province,
The Honourable Capt. W. H. Cooke.
- The Resident, Bauchi Province,
The Honourable Mr. C. A. Woodhouse.
- The Resident, Ilorin Province,
The Honourable Mr. H. Hermon-Hodge.

The Resident, Benue Province,
The Honourable Mr. G. L. Monk.

The First Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.

The Member for the Warri-Beniu Division,
The Honourable Mr. I. T. Palmer.

The Banking Member,
The Honourable Mr. L. M. Herápath.

The Commercial Member for Port Harcourt,
The Honourable Mr. L. White.

His Excellency: I should like before we commence our business to state that one of the Unofficial Members has suggested that in view of the bad acoustics of this hall, and especially in view of the fact that our stenographer cannot hear what is being said at the back of the hall, that members when they address the House might come up nearer to the table. I think we all find great difficulty in hearing anybody speaking at the far end of the hall.

MINUTES.

The Minutes of the Meeting of the 24th November, 1928, having been printed and circulated to Honourable Members, were taken as read and confirmed.

PAPER LAID.

Sessional Paper No. 30 of 1928, Annual Report on the Northern Provinces of Nigeria for the year 1927.

QUESTIONS.

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

To ask the Director of Public Works:—

1. Referring to contract works (a) is it the case that every contract imposes the condition that "the contractor must satisfy himself that the quantities are correct and be responsible for them"?
- (b) Is such a condition ever imposed on a contractor in England?

The Hon. the Director of Public Works:—

- (a) The answer is in the negative.
- (b) I am unable to say, but in the terms used by the Honourable Member, I think not.

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

2. Referring to paragraph 4 on page 15 of the Annual Report for 1927 (a) is it not the case that the ultimate cost invariably largely exceeds the provisional estimate? (b) Is the provisional estimate based on the Public Works Department Quantity Surveyor's estimate of quantities? (c) If the contract were offered to tenders, would the provisional estimate be compared with the tenders in judging whether the tenders quoted an excessive price?

The Hon. the Director of Public Works:—

- (a) In certain cases the ultimate cost exceeds the provisional estimate. Final requirements are not always available when a provisional estimate is made.
- (b) The provisional estimate is based in some cases on the Public Works Department Quantity Surveyor's estimate of quantities.
- (c) Yes, when the provisional estimate and the tenders are on the same basis.

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

5. Referring to the last clause of paragraph 3 on page 15 of the Annual Report for 1927 where it is stated that "the cost of the buildings averages 1/- per cubic foot," in arriving at this average account taken of overhead charges (estimated in the 1928-29 estimates at £228,000)?

The Hon. the Director of Public Works:—

To.

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

6. Referring to the Table on page 8 of the Annual Report for 1927; (a) does "Establishment Charges" include rent of offices, bungalows, telephones, and cost of cables? (b) Does "Total" include works done by contract?

The Hon. the Director of Public Works:—

This refers presumably to Table No. 1 on page 3.

- a) "Establishment Charges" include cost of telephones, but not cost of rent of office, bungalows, cables.
 b) The "Total" in Table 1 includes works done by contract.

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

7. What is the total number of Engineers and the total number of Foremen actually employed in the Department?

The Hon. the Director of Public Works:—

Total number of Engineers and total number of Foremen actually employed.

The following are figures for November 21st, 1928:—

Engineers.	Appointed.	In Nigeria.
Administrative	7	6
Executive	85	64
Mechanical Engineers	3	3
Waterworks Engineers	4	4
Electrical Branch	15	14
Roads Engineers	23	16
	<u>137</u>	<u>103</u>
Inspectors and Foremen.	Appointed.	In Nigeria.
Engineering including mechanics, plumbers	137	102
Waterworks including pumpers	11	11
Roads	21	14
	<u>169</u>	<u>127</u>

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

6. Is it the case that certain materials required for a building job are imported duty free if the job is undertaken by the Public Works Department whereas if the job were let out the contractor would have to pay duty on these materials?

The Hon. the Director of Public Works:—

Building materials are in general not subject to Import duty. The duty payable on articles such as lead and brass fittings is not chargeable when these are imported for the use of a Public Department.

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

7. To ask the Chief Secretary to the Government:—

- (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 Hon. the Acting Chief Secretary to the Government:—

(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.

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

8. Why does not the Posts and Telegraphs Department receive an adequate credit in its accounts for services, particularly telegraph services rendered to other Departments and why do not the other Departments receive corresponding debits in their accounts?

The Hon. The Acting Postmaster-General:—

The system of Inter-Departmental debits in connection with telephone services was introduced in the 1923-24 Estimates and discontinued in 1928-29 as the result of instructions from the Secretary of State disapproving the general principle of Inter-Departmental debits and credits except in the case of services rendered by commercial undertakings controlled by Government.

The Posts and Telegraphs Department is not considered primarily a commercial undertaking and a system of Inter-Departmental credits and debits tends to swell unduly the estimates of revenue and expenditure. The true working costs of the Department are shown in the Annual Report.

The instructions referred to above cover all services in the Posts and Telegraphs Department with the exception of those rendered to the Nigerian Railway.

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

9. Since six months' residence is necessary to qualify a person for a vote how does Government justify the imposition on him of a liability to Income Tax after only three months' residence.

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

It is not clear from the question propounded by the Honourable Member whether reference is made to the franchise granted in respect of election for the Legislative Council or for the Municipality of Lagos. If the former, qualifications of at least twelve months' residence and an annual income of £100 are necessary adjuncts. If the latter, occupation of a tenement of a certain value is required. In either case the Income Tax (Colony) Ordinance, 1927, like similar enactments in other countries, was not promulgated on the supposition that the incidence of the tax should fall on those only who were in possession of the franchise. The Government does not recognise the close connexion, suggested by this question, between the grant of the franchise and the liability to pay income tax.

The Hon. the Acting Chief Secretary to the Government: I beg, Sir, formally to move the following resolution:—

“ Be it resolved: That, this Council approves the expenditure of £618,586 as detailed in the Supplementary Estimates for 1927-28 and of £1,663,558 as detailed in the Supplementary Estimates for 1928-29 which were laid on the table at the last meeting of the Council and passed the Finance Committee on the 24th of November, 1928.”

The Hon. the Treasurer: I beg to second the resolution.

The motion was carried.

BILLS.

EUROPEAN OFFICERS' PENSIONS (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled “ An Ordinance to amend the European Officers' Pensions Ordinance ” be read a second time.

This Bill, Sir, has two main objects. The first is to place on a proper pensionable basis the members of the European Nursing Staff. At the moment only senior Sisters are pensionable, and I think every member of this Council will agree with me that the magnificent effort of the European Nursing Staff in Nigeria deserves recognition by their being placed on a pensionable basis in a similar way to other officers in the service of the Government. They will be placed on a pensionable basis like other officers with the only difference that the compulsory retiring age will be forty-five years; and for that purpose, fifteen years' service under the Government, of which not less than ten shall have been residential. The rights of senior Nursing Sisters who at present are serving under other conditions, are safeguarded by a clause in the Bill. I feel confident, Sir, that these proposals will enlist the sympathy and command the support of every member of this Council, which in the past, so far as I am aware, has not shown itself lacking in loyalty towards what some people are pleased to term, the "weaker sex."

The second main object of this Bill is an effort, and a somewhat isolated one, to place the conditions in the various Colonies of the Empire as regards the granting of pensionable rights, on the same basis, and incidentally it will remove an injustice which has been perpetrated on those of us who had the misfortune to serve part of our Colonial service in Colonies other than those of West Africa. The position at present is, if an officer retires in Nigeria and his whole service in the Colonial Service has been spent on the West Coast of Africa, he receives his retiring pension based on his last salary throughout the whole period of his service. On the other hand, if he has served in another Colony, he only gets that proportion of his service calculated on a pensionable basis for that period which he served in that other Colony on the salary on which he left the Colony.

Now, Sir, under the provisions of this Bill and the Regulations which will be made under it, he will receive a pension on the whole of his service on his final retiring salary, which by assimilating the grant of pension rights in different Colonies marks a great advance. As I said before, the rights will be granted by Regulations made under the Ordinance.

Two minor amendments are also made. One of these is that for officers joining after 31st December, 1929, the taking of a gratuity and reduced pension will be compulsory instead of being optional as it is at present. There is a further slight amendment which permits officers retiring with gratuity, if they are re-appointed to other post in any part of the Public Service, on giving back their gratuity, to count their first service for pension. As the law stands at present, it is only re-appointment to an office in West Africa that permits one to count the first service for purposes of pension.

Those are the amendments effected by this Bill, Sir, and I move that the Bill now 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): May I ask, Sir, whether the Government has formed any estimate as to what extra cost will be involved to the finances of Nigeria by this amendment?

The Hon. the Acting Attorney-General: I am afraid that I am not a financial expert and I would prefer my honourable friend the Treasurer to answer this question. I would only ask the honourable Member to what provision of the Bill he refers?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): To the one relating to previous service in Colonies other than West Africa; not the provision relating to the Nursing Staff.

The Hon. the Acting Attorney-General: I should say no extra cost at all will be involved. So far as I can see the other Colonies will have to pay.

His Excellency: I will now put the motion that the Bill be read a second time.

Bill read a second time.

Hon. the Acting Attorney-General: Sir, I beg to move that the Bill be read a second time and 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 the Honourable the Acting Attorney-General moved that the Bill be read a third time and passed.

Hon. the Treasurer: Sir, I should like to correct the statement of the proposer of this Bill as to the fact that it will not cost anything more. I am afraid it must cost Nigeria a little more because the proportion of the pensions in other Colonies is based by the fact of their being made on the basis of the salary, and in those Colonies which do not schedule our pensions we have to pay the difference between what these officers have got if they did schedule, and the amount they get now. It is known as the "arithmetic mean," so that there will be an increase to Nigeria in the case of those pensions.

I beg to second the motion that the Bill be read a third time.

Bill read a third time and passed.

PUBLIC OFFICERS' GUARANTEE FUND (AMENDMENT) ORDINANCE, 1928.

Hon. the Acting Attorney-General: I rise, Sir, to move that the Bill entitled "An Ordinance to amend the Public Officers' Guarantee Fund Ordinance" be read a second time.

This Bill, Sir, makes one or two small amendments in the principal Ordinance, the first being that "default" certificates shall be given in all cases by a Government Auditor. The second is that where Government has recovered, either by an Order of the Court in proceedings against officers, or by administrative proceedings against officers, in the case of loss of Government money, any amount in excess of the amount Government has lost, that sum shall be refunded to the Public Officers' Guarantee Fund.

The third amendment is that where an officer who has joined some other Government previously has given security in excess of what is required by the present law, such excess may be refunded.

I move, Sir, that the Bill be read a second time.

The Hon. the Treasurer: I beg to second the motion.

Bill read a second time.

Hon. the Acting Attorney-General: I rise, Sir, to move that the Bill be read a second time and 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.

WIDOWS' AND ORPHANS' PENSION (AMENDMENT No. 2) ORDINANCE, 1928.

Hon. the Acting Attorney-General: I beg, Sir, to move that the Bill entitled "An Ordinance further to amend the Widows' and Orphans' Pensions Ordinance" be read a second time.

This amendment to the principal Ordinance requires that a widow who is a contributor under the Ordinance should give the Crown notice on her re-marriage or bankruptcy. That is necessary in view of the fact that her pension ceases on one or other of these two events taking place.

The Hon. the Treasurer: I beg to second the motion.

Bill read a second time.

Hon. the Acting Attorney-General: I beg, Sir, to move that the Bill be read a second time and 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 WILD ANIMALS PRESERVATION (AMENDMENT) ORDINANCE,
1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Wild Animals Preservation Ordinance" be read a second time.

The object of this Bill, Sir, is to give greater control over the possession, and more particularly, the export, of live protected animals and birds. Under the present law we seem to have control over parts of these birds, but we cannot control the export of the live bird itself.

I move the Bill be read a second time.

The Hon. the Acting Secretary for Native Affairs: 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 do now go into Committee to consider the Bill clause by clause.

Council in Committee.

The Bill having passed through Committee without amendment, Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, the Bill was read a third time and passed.

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Customs Tariff Ordinance" be read a second time. The object of this Bill is to allow a drawback on petroleum imported into this country in bulk and subsequently exported.

The Hon. the Comptroller of Customs: 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, Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Comptroller of Customs, the Bill was read a third time and passed.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: Sir, I rise to move that a Bill entitled "An Ordinance to amend the Criminal Code" be read a second time.

There are two objects to this Bill, Sir. One is that in certain offences against the Post Office, it enables the Court to order that the articles in respect of which those offences were committed should be forfeited, and secondly it increases the penalties with regard to witchcraft. Cases have been brought to notice of Government in which worship of a certain smallpox god has taken place. There have been several such cases, and it has been proved that such a practice has been encouraged by priests. It is considered that the penalties should be increased to deal with this class of offence. I beg to move that the Bill be read a second time.

The Hon. the General Manager, Nigerian Railways: I beg to second the motion.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Is it not necessary, Sir, to add some word after "penalty" properly restricting it to the personal property of the person accused of the offence?

The Hon. the Acting Attorney-General: I think it is meant to be a little wider than that, Sir. "Forfeiture of any personal property which has been used in the commission of the offence." Those are the words.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): If anybody steals property belonging to somebody else and sends it through the post, that can be forfeited?

His Excellency: Will the Honourable Member suggest an amendment?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I only wished to bring the matter to the notice of the legal advisers of the Crown, Sir.

The Hon. the Acting Attorney-General: I would suggest, Sir, that if the Honourable Member looks at the sections to which the clause refers, he would find that no innocent sender of goods could be subjected to such penalty.

The Hon. the Acting Chief Secretary to the Government: It is only at the discretion of the Court that the goods can be forfeited. Presumably the Court would not order the forfeiture of the goods of an innocent person, but it is necessary that the Court should have power to order the forfeiture of property, for instance, which has been lent by some person for the perpetration of an offence.

The Bill was read a second time.

The Hon. the Acting Attorney-General: 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 General Manager, Nigerian Railways, the Bill was read a third time and passed.

THE NATIVE CHILDREN (CUSTODY AND REFORMATION) (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Native Children (Custody and Reformation) Ordinance be read a second time. This Bill, Sir, is necessitated by the separation of the posts of Lieutenant-Governor, Southern Provinces, and Administrator of the Colony which was made some time ago. I move that the Bill be read a second time.

The Hon. the Acting Secretary for Native Affairs: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg leave to move that Council do now 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 Secretary for Native Affairs, the Bill was read a third time and passed.

THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that the Bill entitled "An Ordinance to amend the Lagos Township Ordinance" be read a second time. This amendment was necessitated by the action of my honourable friend the Commercial Member for Calabar (Mr. G. Graham Paul) who, at the last session of this Council, moved in Committee an amendment that the Township of Lagos, instead of being divided into three wards, should be divided into such wards as might be prescribed by Regulations made by the Governor in Council. At the time the amendment was accepted by the Government, but it passed unnoticed that a consequential amendment would be required to section 4 (1) of the principal Ordinance, so that it would correspond with the section contemplating more wards than three. This amendment is now made so as to bring this section into line with the one which was amended at the instance of the Honourable Commercial Member for Calabar. I beg to move that the Bill be read a second time.

The Hon. the Administrator of the Colony: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg leave to move that the 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 Administrator of the Colony, the Bill was read a third time and passed.

THE 1927-28 SUPPLEMENTARY SUPPLY ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that the Bill entitled "An Ordinance to make supplementary provision for the service of the Colony and Protectorate of Nigeria for the period ending the thirty-first day of March, one thousand nine hundred and twenty-eight" be read a second time. This Bill, Sir, is in the ordinary form and I move that it be read a second time.

The Hon. the Treasurer: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg, Sir, to move that the 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 STAMP (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that the Bill entitled "An Ordinance to amend the Stamp Ordinance" be read a second time. As the law stands at present the dies for the use of the commissioners and the impressed stamps are by virtue of section 7 to be retained in the custody of the Treasurer at Lagos and the Assistant Treasurer at the headquarters of the Government in the Northern Provinces. It is desired that other persons should use these dies such as other commissioners in Nigeria and also certain persons in England who stamp cheques prior to their export to Nigeria, and this Bill makes provision for this. I move, Sir, 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: 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 Acting Postmaster-General, the Bill was read a third time and passed.

THE TELEGRAPHS (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Telegraphs Ordinance" be read a second time. The object of this Bill, Sir, is to amend the definition of "Telegraph" so as to bring it into line with the definition in the Imperial Act. The amended definition will be wide enough to include the latest developments of telegraphy, including telephony and television. I beg to move that the Bill be read a second time.

The Hon. the Acting Postmaster-General: 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 Acting Postmaster-General, the Bill was read a third time and passed.

THE WIRELESS TELEGRAPHY (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Wireless Telegraphy Ordinance" be read a second time. This Bill, Sir, is complementary to the last. The definition of "Wireless Telegraphy" is altered, and a new definition is inserted by which it is defined by reference to the definition of "Telegraph" in the Telegraphs Ordinance, and that definition will be wide enough to include telephony and television. I beg to 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: 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 Acting Postmaster-General, the Bill was read a third time and passed.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Shipping and Navigation Ordinance" be read a second time. This Bill, Sir, makes slight amendments to the Shipping and Navigation Ordinance and makes it obligatory on masters of vessels to report damage to vessels subject to survey so that a re-survey may be ordered if necessary, and it also makes better provision for that re-survey when it is ordered. I move that the Bill be read a second time.

The Hon. the Director of Marine: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: 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 Mines, the Bill was read a third time and passed.

THE ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT)
(AMENDMENT No. 2), ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance further to amend the Royal West African Frontier (Nigeria Regiment) Ordinance and the West African Frontier Force Reserve Ordinance, 1927" be read a second time. As Honourable Members are aware the title of the "Royal West African Frontier Force" was an honour conferred by His Majesty the King on the West African Frontier Force some months ago, and this is a necessary amendment consequent on this honour being conferred. I beg to move that the Bill be read a second time.

The Hon. the Commandant: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: 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 Commandant, the Bill was read a third time and passed.

THE MASTER AND SERVANT (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Master and Servant Ordinance" be read a second time. As the law stands at present a deed of apprenticeship under this Ordinance has to be attested before a Station Magistrate. This leads to a considerable amount of inconvenience, for a Station Magistrate is not always available, and apprentices sometimes have to travel some miles to find one. By the removal of the word "Station" and leaving it as "Magistrate," these youths will be able to be attested before Commissioners of the Supreme Court by Regulations made under this Ordinance. I beg to move that the Bill be read a second time.

His Honour the Lieutenant-Governor, Southern Provinces: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: 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 His Honour the Lieutenant-Governor, Southern Provinces, the Bill was read a third time and passed.

THE SURVEY (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance further to amend the Survey Ordinance" be read a second time. This Ordinance will enable an applicant for an exclusive prospecting licence or his agent to make the necessary survey as provided by Regulations made under the Minerals Ordinance, instead of such survey being done as now by a Government Surveyor, which has led to considerable inconvenience owing to the Government not being able to provide a surveyor to do the work requested. This Bill, I may say, has the support of the mining community. I move that the Bill be read a second time.

The Hon. the Acting Secretary Northern Provinces: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: 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 Acting Secretary, Northern Provinces, the Bill was read a third time and passed.

THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Motor Traffic Ordinance" be read a second time. This Bill makes certain amendments to the Motor Traffic Ordinance of a minor character. As Honourable Members are aware, at present in the Protectorate the reviewing authorities of criminal cases are the Chief Justice in the Southern and the Lieutenant-Governor in the Northern Provinces. Now, under this Motor Traffic Ordinance as it now stands, there is an appeal to the Supreme Court, and this naturally leads to some inconsistencies as there are thus two reviewing authorities. Clause 2, therefore, is drafted to provide that the law as regards appeals in the Protectorate should follow the ordinary law as in criminal cases. Section 4 of the amending Bill only follows on the previous amendment made by section 2.

With regard to the other amendments, section 3 amends section 8 of the principal Ordinance and provides safeguards against arbitrary acts by Commissioners of Police. No action can be taken under that clause without the authority of the Inspector General of Police. Section 5 proposes a minor amendment to improve the wording of section 17 of the principal Ordinance so that any specified area can be removed from all or any provisions of the Ordinance. As the Ordinance was drafted at first the position was that an order for exemption had to be made out for the whole of a specified area instead of a part if necessary. I move that the Bill be read a second time.

The Hon. the Acting Secretary for Native Affairs: I beg to second the motion.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I desire in Committee on this Bill to move the deletion of two sections of the Bill, but as they involve matters of principle, I propose to refer to them at this stage. The two sections I refer to are sections 2 and 6. The effect of these two sections is that a right of appeal is taken away from a class of person to whom it was given by this Council a short time ago. If a Provincial Court under the existing law by order disqualifies anybody from giving a licence to drive a motor vehicle, he can appeal to the Supreme Court. By these two sections this right of appeal is proposed to be taken away, and the grounds on which it is proposed to take it away appear in number one of the objects and reasons, which is "to remove an anomaly whereby appeals from persons disqualified from obtaining licences by the order of a Protectorate Court are capable of being heard by two separate tribunals." That on the face of it is a little misleading, because the other tribunal to which an appeal can be taken is not in any real sense of the word a tribunal at all, because the party interested has no right to appear before the tribunal either himself or be represented by a legal practitioner. His Honour the Chief Justice can go through in a more or less administrative capacity the returns from the Provincial Court, and if it appears to him that a particular case is one requiring further investigation, he can intervene, but it is only in that sense that there is an appeal other than that provided by this Council a few months ago.

I see nothing anomalous in this right of appeal, if, in the Provincial Court when any judgment is given in a civil case, the party against whom it is given can apply to the Supreme Court for leave to appeal, and where the amount at issue is £50 or upwards,

he has an absolute right of appeal. Now, Sir, it is proposed by section 7, sub-section 4 of the Motor Traffic Ordinance (the principal Ordinance) that the right to obtain a licence—and this may be a man's means of livelihood—may be taken away, and no appeal is possible. In these circumstances the anomaly would seem to me to be not to give the right to appeal, and I feel bound to say that it seems to me that this Council ought not to stultify itself except on very cogent grounds, and it certainly would be stultifying itself if, having given the right of appeal some months ago, it now proceeded to take it away. Accordingly, Sir, in Committee I am moving the deletion of these two clauses.

The Hon. the Acting Attorney-General: In answer to what the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) has said, Sir, he is not quite correct in saying that this was a concession which was recently given by this Council. Section 7 (4) to which he refers, was a re-enactment of a previous Ordinance. I agree with him in some ways in what he has said, but at the same time this is a penal section, and with regard to criminal cases in the Provincial Courts, as the law stands at present, there is no appeal to the Supreme Court, and therefore I say that it is an anomaly that there should be an appeal in one class of criminal case from a decision of the Provincial Court to the Supreme Court and there should not be an appeal in other cases, and therefore this anomaly should be removed.

His Excellency: The Honourable Member will be able to move an amendment in Committee. I will now put the motion that the Bill be read a second time.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg leave to move that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

Clauses 2 and 6.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I beg to move, Sir, the deletion of these two clauses for the reasons which I have already given. With regard to the reply of the Honourable the Attorney-General, it is true that in most criminal cases there has been no appeal from the Provincial Court to the Supreme Court, and I think that this Council will hesitate to extend that principle by taking away a right of appeal that does already exist.

The Hon. the Acting Attorney-General: Sir, with regard to the amendment which has been moved by the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) it would appear that there is a desire by Unofficial Members of this Council that these words should be deleted. The reason why Government have put forward this amendment is that they have been asked by the Northern Provinces to do so, and I would point out to the Honourable Member that the legislation which is imposed on the Northern Provinces is not any concern of this Council; but with regard to the Southern Provinces of the Protectorate, this Council is concerned, and the Government are prepared to give way to the wish expressed by the Honourable Member by allowing an amendment—if he likes to propose it—"that this sub-section shall not apply to the Northern Provinces."

The Hon. the Commercial Member for Kano (Mr. J. W. Speer): Do I understand, Sir, that that means there shall be no right of appeal in the Northern Provinces as distinct from the Southern Provinces? If so, why?

The Hon. the Acting Attorney-General: This amendment has been desired by the Northern Provinces, and this Council is not really concerned with what legislation is to be imposed on the Northern Provinces, but with regard to the Southern Provinces, the Council are entitled to speak, and Government are prepared to accept an amendment which exempts the Southern Provinces from the provisions of this section—if the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) likes to move such an amendment.

[Nov. 26, 1928.]

Council Debates.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I am quite prepared to accept the suggestion of the Honourable the Attorney-General, Sir. My amendment is to insert the words that "this section shall not apply to the Northern Provinces of the Protectorate."

His Excellency then put the motion for the amendment to the Council and it was carried.

The Hon. the Acting Attorney-General: With regard to section 6, in view of the amendment which has been made to section 2, I move, Sir, that this section be deleted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I should like to be clear, Sir, that the simple deletion of that section will leave the right to appeal. I have not a copy of the law before me.

The Hon. the Acting Attorney-General: I think, Sir, the Honourable Member will find that is all right. Section 20 reads as follows:—

"For the purpose of appeals under sub-section (4) of section 7 the appeal court shall be in the case of an order of a commissioner of the Supreme Court or of a member of a Provincial Court (anything in the Provincial Courts Ordinance to the contrary notwithstanding) the Supreme Court, and in the case of an order of a Judge of the Supreme Court the Full Court."

The amendment was carried.

The Bill having passed through Committee with two amendments, the Council resumed and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, the Bill was read a third time and passed.

THE POLICE (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to amend the Police Ordinance" be read a second time. This Bill, Sir, makes various amendments in the Police Ordinance. In section 2 some of the definitions are altered. The definition of "constable" is amended so as to provide for members of the police fire brigade coming within the scope of that definition, in view of the fact that fire brigades have been brought within the ambit of this Ordinance.

There is also an amendment to the definition "Commissioners of Police" so as to include senior commissioners of police which is an appointment made recently.

Section 3 has been designed to improve the wording in the principal Ordinance as to the duties of the police.

Section 4 is a consequential amendment on the appointment of senior commissioners and pay and quartermasters.

Section 6 removes an injustice with regard to constables who enlisted under the old Southern Police Force Ordinance. Those constables if they were re-engaged after their period of service had expired did not count the re-engagement period for the grant of pension under the previous Ordinance. Now they will be able to count the period of their re-engagement for the computation of their pension.

Section 8 is the principal amendment provided by this Bill. It repeals section 14 of the principal Ordinance which provides for the grant of gratuities. Gratuities were granted previously in respect of periods so that a period had to be completed before an increased gratuity was granted. Now, however, the gratuities will accumulate yearly. These amendments bring the provisions with regard to the granting of gratuities into line with those which are granted under the West African Frontier Force Ordinance for soldiers.

Section 10 provides for police fire brigades coming into this Ordinance, and I think Honourable Members will all agree that it is essential that fire brigades should be under the control of the police and part of the Police Force, in view of the great part which is taken by the police in controlling traffic, and so on, in cases of fire. These sections are taken away from the Townships Ordinance and put into the Police Ordinance. There are one or two slight amendments of these sections but none of any consequence. They are as follows:—

Section 17A makes the Inspector-General of Police "Chief Fire Commissioner," and

Section 17D provides for the establishment in the township of Lagos, and in such other townships as the Governor may think fit, of a police fire brigade.

Those, Sir, are the amendments provided by this Bill, and I now move that it be read a second time.

The Hon. the Acting Secretary, Southern Provinces: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg leave to move that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

The Hon. the Acting Attorney-General: I beg leave to omit in clause 8 (10) the words "up to the date of his incurring such misconduct" and to substitute therefor the words "or of such dismissal as aforesaid." There has been some slight error in printing and I do not think the words "up to the date of incurring such misconduct" have any meaning which can properly be interpreted in view of the fact that one does not incur misconduct until he has been dismissed.

The amendment was adopted.

The Bill having passed through Committee with one amendment, Council resumed and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Southern Provinces, the Bill was read a third time and passed.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that Bill entitled "An Ordinance to amend the Townships Ordinance" be read a second time. This Bill is consequential on the last Bill and merely removes sections dealing with fire brigades from the Townships Ordinance and places them in the Police Ordinance.

The Hon. the Acting Secretary, Southern Provinces: I beg to second the motion.

Bill read a second time.

The Hon. the Acting Attorney-General: 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, Council resumed and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Secretary, Southern Provinces, the Bill was read a third time and passed.

THE REGISTRATION OF DESIGNS ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that Bill entitled "An Ordinance to provide for the Registration in Nigeria of designs registered in the United Kingdom" be read a second time.

The object of this Bill, Sir, is to protect industrial designs which have been registered in the United Kingdom. It will be within the recollection of Honourable Members that in 1925 a similar Bill was passed for the protection of patents registered in the United Kingdom. This Bill, which has been asked for by the Federation of British Industries, is on almost precisely similar lines.

Section 2 provides for a Registrar of Designs.

Section 3 provides that a person who has a design registered in England can apply to have that design registered in Nigeria, and he will get the same protection with regard to that design here as in the United Kingdom. The application must be accompanied by two certified representations of the design and a certificate from the Comptroller-General of the Patents Office in England, and on the receipt of those the certificate is issued as a matter of course on payment of the usual fee for registration.

I don't think there is anything in the remainder of the Bill which calls for any particular comment. The procedure is almost precisely similar to that with regard to patents. I formally move that the Bill be read a second time.

The Hon. the Director of Public Works: I beg to second the motion.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I ask, Sir, whether there is any special reason why, in regard to designs, the principle and procedure adopted with regard to trade marks cannot be allowed? It seems to me that there are many designs which people would only want to register in Nigeria alone, or at any rate in the West African Colonies. In Nigeria, trade marks can be originally registered here, and I should like to hear from the Honourable the Attorney-General whether there is any reason why Nigeria should be unwilling to register a design which is peculiarly adapted to Nigerian trade conditions, and perhaps to no other conditions.

The Hon. the Acting Attorney-General: With regard to what the Honourable Member has said, there is a clear distinction between industrial designs and trade marks. An industrial design is one thing and a trade mark is another, and I do not think there is any need for me to point out such an elementary thing to the Honourable Member. If what the Honourable Member says is correct, there is no reason why original patents should not be registered here. We have not yet gone to the length of providing for the registration of original patents in Nigeria, but I have no doubt the time will come when they will be registered, as well as industrial designs. So far, there has been no demand, so far as I am aware, for such original registration. Perhaps if the Honourable Member would ask that subsequent to the passage of this Bill into law steps should be taken to provide for such original registration, the Government would consider the matter.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg leave to move that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): On the Schedule, Sir, I should like to move that the fee on application for registration should be £1. I think the fees are far too small, as they are in the case of patents, and people would gladly pay the higher fees. Indeed I had an application from a client the other day to renew the registration of a patent, and when I told him it would not be renewed, he was anxious to know if it could not be renewed on payment of a fee.

The Hon. the Acting Attorney-General: I must confess I am not in a position to say whether the fee is too small or too great, but I do know this, that the fee for taking out patents is fixed by agreement between the various Colonies.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): That is so.

His Excellency: Do you wish to make any amendment?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): No, Your Excellency.

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 POST OFFICE ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to regulate the powers and duties of the Posts and Telegraphs Department" be read a second time.

This Ordinance, Sir, consolidates and amends the law with regard to posts and telegraphs, the idea being that it should be brought up to date and more or less in the form of the Imperial Act and those in operation in other Colonies. Honourable Members will have noted that various new definitions appear in clause 2 of the Bill. For instance "contract vessel" is considered an improvement on "packet boat" which was the term provided in the previous Ordinance.

There is also a definition of "fictitious postage stamp" which simplifies the wording of one of the sections by including the words "or stamped impression" after "stamp."

The definition of "mail bag" has been amplified, and generally speaking, the definitions have been improved, so that their meaning is clearer than it was before.

Section 3 provides a definite meaning to the words "in course of transmission" and "delivery." Such definition did not appear in the previous Ordinance, and every Member will agree that it is desirable that some interpretation should be laid down in the Ordinance of those terms.

Part 11 deals with the establishment of post offices in Nigeria, and Honourable Members will note that specific power is given to the Postmaster-General to establish post offices in such places as he thinks fit, and further to discontinue those post offices.

With regard to section 8 (1), (2) and (3) which confer exclusive privileges on the post office, those clauses have not been amended in any way, but there is a new section 8 (4) providing a penalty for any infringement of post office privileges.

Section 9 also provides penalties for anybody who conveys letters otherwise than through the post.

Section 10 is a new one, exempting Government from liability for loss, misdelivery, delay or damage. No Post Office pays damages in such circumstances as a matter of law, and such damages cannot be demanded as a right.

Sections 11, 12 and 13 are the re-enactments of corresponding sections of the repealed Ordinance.

Section 16 is a new one and provides that when an article has been posted by mistake it can be recovered from the Postmaster-General, and any fee that has been paid in respect of that article, shall be returned.

Sections 18 and 19 are new. Section 18 lays down that if during any case in Court a posted article is produced with the official mark of the Posts and Telegraphs Department that the article has been refused or unclaimed or that the addressee is dead or cannot be found such mark shall be *prima facie* evidence of the fact so denoted. Also in section 19 it is provided that the official mark on a postal article denoting that any sum is due in respect of postage shall be *prima facie* evidence that such sum is due.

Sections 20, 21 and 22 are also new. Section 20 is one of immense importance and provides that any mail bag may be detained or opened under the written authority of the Postmaster-General, and I think Honourable Members will agree that it should be laid down in the Ordinance that any mail bag can be so opened. On the other hand, section 21 provides penalties for anybody who opens a mail bag without such authority. Section 22 provides power to intercept postal articles in course of transmission in time of emergency. Honourable Members will agree that that power should be in the hands of the Post Office.

With regard to section 25, that gives the Postmaster-General power to deal with postal articles containing goods in respect of which an offence has been committed. Also a very necessary provision.

Section 29 is also a new section and provides that the master or owner of a vessel proposing to depart from any port in Nigeria shall give notice of such departure in reasonable time, so that the Postmaster-General can inform the public that mails will be placed on that boat. That, I think you will agree, is a useful provision to have.

With regard to section 31, that is also useful. It provides that when a ship comes into port the Postmaster-General may place an officer on board so as to take any correspondence between the time that the mail closed and the time of departure of the vessel, and if he is unable to provide such an officer, power is given to the master of the vessel himself to take such letters and forward them to the destination.

Section 35 provides that it is an offence for persons who are under contract for the conveyance of mail bags, to open any mail bag without proper authority.

Those, Sir, are the main amendments proposed by this Bill, and I now move that it 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: 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 Acting Postmaster-General, the Bill was read a third time and passed.

THE EUROPEAN RESERVE FORCE ORDINANCE, 1928.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to establish and to provide for the organisation and government of a European Reserve Force of Nigeria, and for purposes connected therewith" be read a second time.

In moving the second reading of the Bill I only propose to deal somewhat briefly with the scope of the Bill because Honourable Members of this Council have the advantage of having among their number the Commandant of the Nigeria Regiment, who will explain the various provisions of the Bill as they appear to him from a military aspect. I hope and trust that Honourable Members on seeing a Bill of this nature on the Agenda of the Council will not jump to the conclusion that war is in the offing or even probable, or possible. The horizon so far as peace is concerned is absolutely unclouded as far as I can see, and the responsible for the government of the various countries seem to be perfecting their machinery for peace by making various pacts, and their thoughts do not seem to be concentrated at all on war. But I think it is the duty of every country which takes an interest in its preservation to be prepared for any emergency and we ought not to be in the position that we were in in 1914 unless we desire to see the days of this Empire numbered.

The object of the Bill is not to provide a new Force such as the Territorial Force in England, or even the Volunteer Force which has lately been formed in our neighbouring colony, the Gold Coast. This Reserve is merely subsidiary to the West African Frontier Force and it is designed to fill up wastage, and to provide for the expansion of that Force in time of an emergency, such as I have indicated. Although there is power to the Governor to say that certain parts of the Force shall be used as self-contained units, yet generally speaking members of the Force will work entirely with the regular forces of the West African Frontier Force. Honourable Members no doubt, especially those connected with business firms, will be concerned to know on what occasions the members of the Force are going to be employed, that is to say they will not want to see their staffs depleted unless a real emergency exists. This Force can only be called out on the direction of the Governor, and I think Honourable Members may be satisfied that the Governor of Nigeria would not call it out unless it was absolutely required.

With regard to the organisation of the Force I shall leave that to the Commandant who understands it considerably better than I do. I would only say this, that the success of the Force depends largely upon the co-operation of business firms, and I hope all Members of this Council connected with business firms will understand this, and give it their ready co-operation so as to make it a success. As I have already said, the Force can only be called out in an emergency, and the short period of training which the members of the Force will be called upon to perform will be regulated in such a way that it will not interfere with their ordinary avocations. The Force will be under the control of the Commandant of the Nigeria Regiment, and I am sure Honourable Members of this Council will agree with me that this is a proper measure of preparation to take so that we are ready if any emergency does arise in any form (applause).

The Hon. the Commandant: Your Excellency and Honourable Members. In seconding the European Reserve Force Bill, I do not propose to deal in detail with the provisions of the Bill because I think they are clearly set down in the various clauses thereof. I will attempt to give you firstly the reasons why it is considered necessary to create a European Reserve at the present time. Secondly, I will try to explain to you the basis of the organisation of this Force, and lastly I will attempt to give you some idea of the costs which may be involved should Government at any time attempt to put this Bill into force. To commence with, I will draw the attention of Honourable Members to the reasons and objects of the Bill which are at the back of the Bill. There you will see in paragraph 2 it is stated that the "duties of the European Reserve in Nigeria are mainly to provide for European personnel for the Nigeria Regiment in time of war.

I wish to associate myself with the Honourable Acting Attorney-General in what he said as to the possibilities and even the probabilities of war in the near future. As far as I am aware there is a complete calm over the political horizon at the present time, but I think you will agree with me when I say that one of the first lessons of the last war was that modern war is not fought out by standing armies alone, but it is fought out by national and citizen armies in addition. When war comes it generally comes rather suddenly, and I venture to suggest that there is then very little time to commence either preparations, or organisations of this nature. As you are all aware, organisation for any business is necessary beforehand, and war is a business in which organisation must be made in times of peace. To illustrate this statement, I think I need only ask Honourable Members to consider for one moment what would have occurred at the commencement of the last war if our territorial forces at Home had not been organised as a definite defence force prior to the outbreak of hostilities. Honourable Members, it is for these reasons that it is considered necessary to create a reserve force in Nigeria to-day, the members of which will form the fighting European personnel of the Nigeria Regiment, and in addition will help to fill the many administrative and technical posts which are absolutely essential to the prosecution of any campaign. In establishing this Force we are only following the example of most other colonies and possessions of the British Empire. As my Honourable friend, the Attorney-General said just now, one of the latest is

that of the Gold Coast Colony, who, during the last two years has passed her local Defence Force Bill, and has successfully started the same. Moreover, in establishing this European Reserve, shall be fulfilling one of the principles of Empire Defence, and that is, that each possession should be responsible for its own protection in case of national emergency. I think that it may be clear to us all here if we consider what help we are likely to get out here in Nigeria at the outbreak of war with any first-class power. I think we cannot expect to receive very much in the way of assistance, at the commencement of hostilities, and even later on, the amount of assistance we should have the right to expect would be somewhat doubtful. The policy that each Colony should be responsible for its own security is one which has of late been impressed upon us by the Home authorities.

Before dealing with the organisation of the Force, I wish to make it perfectly clear once and for all that it is entirely based on that of a voluntary nature. There is no intention whatsoever that there should be any form of conscription, which is entirely foreign to British traditions. It is intended that the efficiency of this Force shall be based on good fellowship and comradeship rather than upon services unwillingly rendered.

I will next try to deal shortly with the organisation of the Force. As the Reserve is intended primarily for the expansion of the fighting units of the Nigeria Regiment, it is considered desirable that it should be associated most closely with the regular personnel of the Regiment. The suggestion, as you will see in this Bill, is that the members shall be divided into two main classes, "A" and "B," as is shown in clause 13. If it is necessary to expand existing military forces, members of Class "A" will automatically fall into the ranks of fighting forces, whereas members of Class "B" will fill the many administrative and technical appointments which are necessary. Members of Class "A" or "B" who have specialised qualifications, of course will be used where their knowledge is of the greatest assistance. The numbers actually required to bring the regular units up to war establishment have been worked out, and also for any further expansion which may be necessary at the commencement of war. Those establishments will form the basis of Class "A" of this Reserve Force. The establishments have been sent Home but we have not as yet received the sanction of the Home authorities.

As it is proposed to organise this Force more or less on a territorial basis, with the exception of the Artillery and the Light Mortar Battery; this country has been divided into four large areas. In each of those areas is situated one of the four infantry battalions which we possess, and any one who joins the Reserve Force who is stationed in any one of those areas, will automatically be on the reserve establishment of the unit in that area. As to the Light Mortar Battery and the Artillery, as we have only one of each of these, it is essential that the training of the personnel of those units must take place in the station in which they are situated. It is considered that this system will facilitate training and will minimise the expenses of moving to and fro. It is also hoped that this system will lead to a spirit of cordial good fellowship and association between the personnel of the Reserve and of the regular units. I think it will be clear to everybody here, however, that in certain areas such as Lagos and the Plateau, where the number of Europeans is considerable and the number who may wish to join the Reserve will be more than the local unit can contend with, it may be desirable to form local units. If those units are formed, they will possess their own commanding officers and their own staff, and will of course be assisted by the staff officers of this Force if it is created, and any other European personnel that may be required from the Nigeria Regiment in order to help them. Later on it will probably be possible to create specialised units. I would suggest the possibility that we might have a railway unit from the Railway Works officers. It is possible we might have an armoured car unit, and it is, I hope possible that in the future, Sir, we shall be able to have an Artillery Force unit.

As to the standard of training, it has been considered that the most suitable form of training to be adopted for the Force should be that of the Officers' Training Corps at Home. You will see by clause 13 (1) (a) (iii) that before a cadet is eligible for commissioned rank he must obtain certificates "A" or "B" as s

or the Officers' Training Corps at Home. Now one word about his examination. Examinations I know are disliked by all after they have passed through their school or college, but I can assure you that the questions set in the written part of this examination are only such as are dealt with during the training of the individual concerned. They are simple and should not tax the capacity of any man whatsoever. The practical part of the course will be carried out in this country. There are in this country to-day a very large number of Europeans who have had valuable experience of military matters and military methods during the last war. Many of them have held either commissioned, warrant, or non-commissioned rank, or have served as private soldiers. That knowledge is of the greatest assistance to us in launching and starting this Reserve, and it is proposed to develop and use that asset to the greatest possible degree. You will see, therefore, in clause 13, that those who have held officer's rank, non-commissioned rank or warrant rank for one year are entitled to be placed into Division 1 or 2, Class "A," without any further qualifications. As time goes on, however, it is fully realised that we shall have in this country fewer and fewer men who have got any experience whatsoever of military methods, and therefore it is considered desirable, should this Bill be put into force, to start with once on Division 3, Class "A." Those are the young people who have had no military experience whatever, and they are the people who would have to obtain certificates "A" or "B" before they can obtain a commission in the Reserve.

As to the matter of training. You will see the provisions regarding training are more or less laid down in clause 14, and I think you will agree with me when I say that the amount asked is small, and possibly too small to keep this Force at a very high standard of efficiency. It is fully realised that out here in Nigeria every European whether he is an official or a business man has very little spare time, and therefore the amount of training to be done has been framed not on what is considered absolutely essential, but what is considered that an ordinary man will be able to do, and may reasonably give of his spare time. I think you will agree with me when I say that fourteen days in every two years is not an excessive amount to ask of any individual. I believe that many members of the Government who may possibly in the Reserve Force would be only too glad to take the opportunity of spending part of their leave in doing their training, and I think in so doing they might meet new friends and make new friends, and obtain a change of environment which I think should be agreeable to them. Others, if they happen to be stationed in places where troops are quartered, can carry out their training without any interruption of their daily avocation.

As regards members of the business community in this country, I can only tell you that the Inspector-General of the Royal West African Forces has interviewed and seen many of the heads of the larger firms at Home, and I believe that the scheme for the organisation of this Force has met with their general approval, and I do happen to know that some agents out here have been regularised on the matter. Much will depend upon them as to the facilities they will give their people to join; I fully realise that difficulties may arise, but I do not believe that any difficulties will arise that, if it is met with a whole-hearted spirit and a spirit of give and take, may not be overcome. As long as this organisation exists, the working of the scheme may be adjusted in accordance with the experience gained. Members of Class "B," who, it is recognised will usually be men of high official position, or men of valuable commercial experience, are not expected to do any training whatsoever. They are the people who will fill the appointments of an administrative and technical nature, and it is not expected or asked of them to do anything during time of peace.

As to the possible expense that this country may be put to if this Bill is passed by this Council and eventually put into force by the Government, it is of course rather a difficult matter for me to estimate, because as I have already said, the establishment at the moment has not actually been passed, but I have taken the liberty of basing my estimate on the proposed establishment. I think it is probable that should the Bill go through, and Government should feel desirous of putting it into force, they will start on a percentage basis, in order that the small staff which will be attached to Headquarters to carry it out, may have a chance

of getting it into running order before it is put into full force. I have therefore worked out the figures as far as I can on a fifty per cent. basis, that is to say fifty per cent. of the proposed establishment which has been sent Home, but which up to now has not actually been approved. The initial expenditure on this basis would be approximately £2,400 non-recurrent, and assuming that every member did the whole of his training, and drew the whole of his emoluments, the total amount of annually recurrent expenditure would not probably exceed £5,000. In making up that figure I have not taken into account the hire or building of one or two buildings it may be necessary at a later date to take up. If the scheme is later enlarged to its full basis of 100 per cent. the cost would not be double the figure I have given you, as I have already included the cost of the staff which I consider would be necessary to run it in any case on any basis, or which would have to be attached to Headquarters in order to get it started.

In conclusion, I would impress upon you again that the object of this Bill and of this Force is to give a certain amount of security to this country in case of a national emergency arising again as it did in 1914. In spite of anti-war pacts and other measures, I do not believe that this British Empire of ours is entitled for one moment to take the risk of such an emergency ever occurring again. The degree to which this Bill can be put into force can be decided by Government at any time, and I submit that unless an organisation is there, should such an emergency occur again as occurred in 1914, there will be no time to inaugurate a Reserve Force. If you will compare the figures I have given you with the total expenditure of the country, I do not think you will consider it a large sum, invested as it will be in a kind of insurance against such an emergency as occurred in 1914.

Finally, as Commandant of the Nigeria Regiment, I wish to extend to the Force, should the Bill be passed and it ever started by Government, an assurance that it will be met and welcomed not only by myself, but by my staff and by every member of the Nigeria Regiment, because we fully realise that in case of an emergency we are dependent entirely upon the Reserve Force to carry out and give you the security to which you are entitled.

I now, Sir, have the pleasure to second the motion that the Bill be read a second time (applause).

The Hon. the Commercial Member for Kano (Mr. J. W. Speer): Your Excellency, I wish to assure the Honourable Commandant and the Members of this Council that the proposed Bill meets with the entire approval and even the enthusiasm of that part of the mercantile community I have the honour to represent, and I wish to say that we will be willing to co-operate with the Commandant and his colleagues in the most enthusiastic way possible.

I feel quite sure that the Honourable Commandant, when he framed that portion of the Bill that particularly relates to training, and to the fourteen days duration of training, must have considered the seasons, especially the produce seasons; when it will be most difficult for the men to get away, and I want to suggest that when the Honourable Commandant is making his arrangements for training, he would consult the mercantile community so that a part of the year could be arranged when all or most of the men who could possibly be spared could go. In those seasons we would co-operate to make the training the success it should be.

I was very pleased, Sir, to hear the Honourable Commandant refer to the possibility of a branch of the Air Force being established. As Honourable Members will know, during the last two or three weeks we have been witnessing in Kano some very interesting experiments carried out by a private individual who, I believe, has a distinguished record in the Royal Air Force itself. I do think, Sir, that when this scheme is started, it would be as well if serious consideration could be given to this right away. There is a tremendous amount of most efficient material available in the Northern Provinces. I refer to the young fellows who were in the Royal Air Force at Home, and who, if a wing of the Air Force were organised out here, would most enthusiastically join that section. As I have already said, Sir, I am very interested to hear that it is within the realms of possibility that a wing of the Air Force may be started in conjunction with the new Reserve Force.

I have very little more to say except that the Great War has now been over ten years and every ship is bringing in young fellows who were at school during the war, and I venture to say, Sir, that the moral effect of the formation of a Force of this nature will be tremendous, and not only on those coming out, but on those of us who are already here, and I repeat again, that the mercantile community of the North will be ready and willing to co-operate (applause).

The Hon. the Mining Member (Mr. A. L. Butler): Sir, I should like to say a few words in support of this Bill. It is one that appeals to all of us I am certain, in that in case of emergency we will be able or some of us will, to pull our weight, and stand side by side with the men of the Royal West African Frontier Force who have done such wonderful service. There was one point which the Honourable Commandant mentioned, and to which I should like to refer, and that was the Air Force, and I should like to ask Government to do all they possibly can in making aerodromes for these people who are bringing out private aeroplanes. The expenses would not be very much, but the encouragement would be very great. As it is at present, we witnessed the landing of an aeroplane at Jos the other day and the pilot had great difficulty in landing on the only place available, as it was far too short and the old aerodrome had not been prepared.

The other point I should like to impress on Government is that this Reserve Force should be started at once. I do not know what the idea of the Commandant is or whether the expense would be too great, but "prevention is better than cure" and whatever the amount, it would not be a very great sum. On Saturday last we had the pleasure of voting money to a boatswain, to boy scouts, to a book on birds, and to a Supplement of *The Times*; all very good things, but I think if we spend money in this way, we can also spend a little on the defence of this country, in fact I think the defence of the country is more important than the birds and possibly even before the boatswain.

I can promise the Commandant that every support will be given to this Force by us on the staff, and I think he will find that there are two or three hundred Europeans willing to join up, and he can rely on us to provide the equipment. Unfortunately in the last war I was placed in Class "B," or perhaps I should say fortunately, as I should probably be placed in Class "B" of the Reserve Force, and I may get a job on the staff. There is an old story that Napoleon used to choose men to be on his staff who had rather big noses. I am not giving a hint, but I happen to have rather a big nose, and probably I shall have some job on the staff.

I should like to ask all employes to do all they can to encourage their staffs to join. That is the least they can do, and I hope that when the course of training is arranged, it can be so arranged as to fit in with their work (applause).

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Your Excellency, in speaking to the second reading of this Bill, I propose to be very brief, but I think it is the right of the Honourable the Commandant to hear from all Unofficial Members representing European constituencies their views on the Bill, and I think I cannot do better than quote from a letter which has been circulated by one large firm in regard to this Bill. It is as follows:—

"We wish you to know that this Bill has the blessing of this Company and we have promised Colonel Butler to help in every way possible in order to assist in making it a success."

I think I can on behalf of my constituents extend to the Honourable the Commandant the assurance which is contained in that letter.

There will be of course minor difficulties as the Commandant indicated, but I share his confidence that such difficulties will be overcome if they are met in a spirit of mutual give and take.

As far as the commercial community are concerned, every individual joining this scheme is going to have imposed on his conditions of service a form of local leave. In Government Departments with a large personnel, it has been found possible to introduce local leave, and no doubt within the larger firms it will be found quite easy to arrange local leave required by an individual who joins this Force, but the smaller firms may have great difficulty in making such arrangements, and it is in regard to the smaller firms particularly that that spirit of give and take as regards time to be spared for training will have to be considered, but subject to those minor difficulties in regard to which I share the confidence of the Honourable the Commandant, I can extend my warmest offers in assisting to operate the Force from the Calabar

of Commerce and the activities it represents (applause).

The Lagos Member (Mr. T. A. Doherty): Your Excellency, Honourable Members, I have only a small contribution to make to the Bill. I am in sympathy and in entire agreement with the principles of the Bill, but I do think that the African should be included within the scope of the Bill. I believe this Bill is really intended for the defence of the lives and property of both Europeans and Africans in this great dependency of the British Empire, and I think the African should be given a chance to learn to defend himself, and should not expect to be defended all the time. When the Bill comes to be considered clause by clause in Committee I should like to move an amendment that provision be made to include the African so that he may be given an opportunity of co-operating in the scheme (applause).

The Hon. Mr. W. F. Becker: I only want to say two words, Your Excellency. I would like to assure the Commandant that, speaking on behalf of that portion of the banking interests which I represent, I have instructions to give him the assurance of our closest possible co-operation with the scheme. There will of course be difficulties; it would be stupid to ignore the fact that difficulties will arise in connection with the releasing of men in the smaller offices or trades, but the Commandant can rely upon the banking interests I am sure, to support the scheme most heartily (applause).

The Hon. the Shipping Member (Mr. F. Bateman Jones): I have only two words to say, Your Excellency, on behalf of shipping interests, that so far as the members whom I have the honour to represent are concerned, they too will show their appreciation of the measure by joining the scheme. The Honourable Member for Mining (Mr. A. L. Butler) remarked just now that they would pull their weight, and the only thing I can say about shipping is that we shall steam our distances (applause).

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt. O.B.E.): Your Excellency, I did not intend to speak on this Bill, but I cannot associate myself with the remarks of the Honourable the Third Lagos Member (Mr. T. A. Doherty) that Africans should be included so far as this Bill is concerned. It is purely a measure for Europeans, and I do not think it should be otherwise. If the time does come when we are to co-operate in the Bill—God forbid that that time ever should come—then every African will be ready to help in the defence of this country. At present it is purely a measure for Europeans, and I think it should be left at that (applause).

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I should like to say, Sir, on behalf of the Chamber of Commerce—they have commissioned me to say so—that they will do everything in their power to further the scheme (applause).

The Hon. the Acting Attorney-General: Sir, in reply to what various Honourable Members have said, I should like to express the satisfaction of the Government at the manner in which the proposals which are contained in this Bill have been received. There is just one point in what the Honourable Member for Mining said with regard to this being money well spent, and that he would prefer to spend money on our own preservation rather than on supplementary articles in *The Times*, and the writing of a book on birds, and so on, but I hope and I feel certain he does not consider that the Government have been neglectful in providing

for the safety of the country. I hope he did not mean it as a reflection in any way, because we do spend a certain amount in maintaining that admirable force which the Commandant commands with such efficiency.

With regard to what has been said by the Honourable the Third Lagos Member (Mr. T. A. Doherty) I regret to say there is no provision in this Bill for Africans, but I have no doubt that their participation in some measure of self defence—now that the Government have embarked on this Supplementary Force—will receive in the future the sympathetic consideration of the Commandant and of the Government, but I regret that in this Bill, which has been prepared expressly for a particular object, there is no provision for the participation of Africans.

His Excellency: I will now put the motion that the Bill be read second time.

Bill read a second time.

The Hon. the Acting Attorney-General: I beg to move that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

Clause 15 (2).

The Hon. the Acting Attorney-General: I beg to move a slight amendment in clause 15 (2) that the word "European" should be inserted before the word "personnel" in line 3.

The amendment was adopted.

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 Commandant, the Bill was read a third time and passed.

Council adjourned at 12.15 p.m.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Tuesday, 27th November, 1928.

Pursuant to notice the Honourable the Members of
the Legislative Council met at the Council Chamber
at 10 A.M. this day.

PRESENT:—

- The Officer Administering the Government,
His Excellency Sir Frank Baddeley, Kt., C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable Mr. D. Kingdon, K.C.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major U. F. H. Ruxton, C.M.G.
- The Acting Attorney-General,
The Honourable Mr. J. C. Howard.
- The Commandant,
The Honourable Col. W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. G. J. Pirie.
- The Treasurer,
The Honourable Mr. G. W. Leese.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Administrator,
The Honourable Major W. Birrell-Cray.
- The Acting Secretary for Native Affairs,
The Honourable Mr. W. Morgan.
- The Senior Resident Kano Province,
The Honourable Mr. G. W. Alexander, C.M.G.
- The Acting Secretary, Northern Provinces,
The Honourable Mr. H. H. Middleton.
- The Resident, Abeokuta Province,
The Honourable Mr. E. B. Adams.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. W. E. Hunt.
- The Acting Deputy Chief Secretary,
The Honourable Mr. K. L. Hall.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, 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 Commissioner of Lands,
The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.
- The Acting Postmaster-General,
The Honourable Mr. G. B. Hebden.
- 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. O. 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 the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Commercial Member for Kano,
The Honourable Mr. J. W. Speer.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Third Lagos Member,
The Honourable Mr. T. A. Doherty.
The Honourable Mr. W. F. Becker, O.B.E. (Extraordinary).
- The Member for Shipping, (Provisional)
The Honourable Mr. F. Bateman Jones.

ABSENT :—

- The Lieutenant-Governor, Northern Provinces,
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Senior Resident, Yola Province,
The Honourable Mr. G. S. Browne.
- The Senior Resident, Plateau Province,
The Honourable Captain P. Lonsdale.
- The Senior Resident, Zaria Province,
The Honourable Mr. E. H. Laing.
- The Resident, Ijebu Province,
The Honourable Mr. P. A. Talbot.
- The Resident, Benin Province,
The Honourable Captain W. H. Cooke.
- The Resident, Bauchi Province,
The Honourable Mr. O. A. Woodhouse.
- The Resident, Ilorin Province,
The Honourable Mr. H. Hermon-Hodge.
- The Resident, Benue Province,
The Honourable Mr. G. L. Monk.
- The First Lagos Member,
The Honourable Dr. C. O. Adefiyi-Jones.
- The Member for the Warri-Benin Division,
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,
The Honourable Mr. C. W. Clinton.
- The Banking Member,
The Honourable Mr. L. M. Herapath.
- The Commercial Member for Port Harcourt,
The Honourable Mr. L. White.

MINUTES.

The Minutes of the Meeting of the 26th November, 1928, having been printed and circulated to Honourable Members, are taken as read and confirmed.

PAPERS LAID.

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

- Regulations No. 33 of 1928, made under the European Officers' Pensions Ordinance (Cap. 26).
- Regulations No. 34 of 1928, made under the European Officers' Pensions Ordinance (Cap. 26).
- Order in Council made under the Customs Tariff Ordinance (No. 20 of 1924).

NOTICE OF MOTION.

The Honourable the Second Lagos Member (Mr. E. O. Moore) gave notice that he would move the following resolution at the next Session of the Council:—

"That, in the opinion of this Council it is undesirable and impolitic to confer any Judicial functions on the Native Chiefs in the Colony."

The Hon. the Acting Chief Secretary to the Government: Sir, with your permission I will read to the Council a letter received by the Clerk of the Council from the Private Secretary to His Excellency, the Governor:—

GOVERNMENT HOUSE,
NIGERIA.
26th November, 1928.

SIR,

I am directed by His Excellency, Sir Graeme Thomson, to inform you that he has received with very great pleasure a copy of the Motion of sympathy passed by Legislative Council on Saturday last.

2. I am to request that you will be good enough to convey the Honourable Members, on behalf of His Excellency and Lady Thomson, an expression of their most sincere appreciation of the message.

I have the honour to be,
Sir,
Your obedient Servant,
(Sgd.) C. A. CLIFFE,
Private Secretary to
His Excellency the Governor.

THE CLERK TO THE
LEGISLATIVE COUNCIL.

QUESTIONS.

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

1. Whether the proposals contained in a Draft Memorandum published in a recent issue of the *Nigerian Spectator* represent the policy which the Government has recommended to the Alake and Council as the best way for solving the long standing and vexatious question of land tenure at Abeokuta and whether Government is aware of the fact that the proposals have evoked widespread alarm among the Egbas?

The Hon. the Commissioner of Lands:—

The answer is in the negative.

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

2. What in the opinion of the Director of Education is the cause of the abnormally low percentage of successful candidates at the last Junior Clerical Service Entrance Examination and whether it is not another proof that the present standard of education in the Southern Provinces is very low and unsatisfactory?

His Honour the Lieutenant-Governor, Southern Provinces:—

With regard to the first part of the question, the figures for 1927 and 1928 are as follows:—

1927.	Total Candidates.	Pas	Percentage of Passes.
Government probationers ...	461	50	11% approximately.
Scholars and others ...	572	125	22%
Total ...	1,033	175	17%

1928.	Total Candidates.	Passes.	Percentage of Passes.
Government probationers ...	578	49	8.5% approximately.
Scholars and others ...	600	107	17.8%
Total ...	1,178	156	13%

From this it will be seen that there is a drop of four *per cent.* in the percentage of total passes in 1928 compared with 1927. This may be due to the fact that all examination papers are now submitted to a Board, by which it is hoped the standard of the examination will be fixed.

The figures for both years shew the percentage of passes among school boys, and others, to be twice that among youths already in Government Service. This, however, does not indicate an improvement in the Standard VI product, so much as that youths who have left school suffer from want of regular tuition.

In part, the large number of failures in Composition and General Knowledge papers may be attributed to a school system which as yet does little to train the mind. But compared with previous years, the percentage of passes is not abnormally low.

With regard to the second part of the question, the answer is in the affirmative. An immediate advance in educational standards cannot be expected as the result of the new Educational Code. The reorganisation of a school system must begin at the bottom and not at the top.

RESOLUTIONS.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the following Resolution:—

“ Be it resolved: That, this Council approves a compassionate grant of £264 *per annum* for three years towards the cost of medical treatment for Mr. C. L. Hawtin, late Treasury Assistant.”

The case of Mr. Hawtin, Sir, is a particularly sad and distressing one. He joined the service of the Government of Nigeria as Treasury Assistant in April, 1921. He was a good officer and a particularly active man. In July of last year he contracted in Lagos an acute attack of anterior poliomyelitis, and for more than one month he lay dangerously ill in Lagos Hospital. He recovered sufficiently to be sent home, but the attack has left him in a state of partial paralysis for which the only hope is prolonged treatment of a very costly nature. He has already been treated very generously by the Government. He was granted two special extensions of leave, the first of which rendered him eligible for the grant of a pension under the Pensions Law, and he has, under that Law, been granted a gratuity of £710 and a pension of £100 11s. 8d. *per year*. In addition he has been given a grant of £50 towards his medical expenses; but those expenses have already amounted to over £1,000. He is under treatment at Lausanne and he has already derived considerable benefit from that treatment, and if only it can be continued there is every reason to believe he will make further progress and possibly even recovery. In the circumstances it is clearly a case for giving freely or not giving at all, and I feel sure every Member of the Council will be in favour of the former alternative. The treatment at Lausanne costs £7 a week or £364 a year, and it is suggested that this Government should make Mr. Hawtin a compassionate grant of £264 a year for three years to enable him, with the assistance of his pension, to continue that treatment.

I beg, Sir, to move the Resolution standing in my name.

The Hon. the Treasurer: I beg to second the motion.

The motion was carried.

The Hon. the Acting Chief Secretary to the Government: rise, Sir, to move the following resolution:—

“ Be it resolved: That, this Council consent to the Order of Council under Section 12 of the Customs Tariff Ordinance, 1924, made on the 26th day of November, 1928, in so far as the said Order relates to the Colony and to the Southern Provinces of the Protectorate.

The Order-in-Council, Sir, makes an addition to item 15, Second Schedule of the Customs Tariff Ordinance, which contains exemptions from the usual customs duties, and paragraph 15 reads as follows:—

“ Stores sent by a Foreign Government for the official use of Consular Officers of that Government in Nigeria, provided that equally favourable treatment is accorded to that Government to British Consular Officers.”

This addition is necessary to the exemptions in order to give effect to a reciprocal arrangement with the United States by which consuls are entitled to exemption from customs duties for themselves and their families and suites.

I beg, Sir, to move the resolution standing in my name.

The Hon. the Comptroller of Customs: I beg to second the motion.

The resolution was carried.

The Hon. the Acting Chief Secretary to the Government: rise, Sir, to move the following resolution:—

“ Be it resolved: That, this Council approves the grant of a gratuity of £500 to the parents of the late Mr. F. Clements, Foreman of Works, Railway Construction, together with an annual allowance of £74 13s. 4d. from the date of his death, such annual allowance in the event of decease of one parent to be paid without reduction thereof to the surviving parent.”

Mr. Clements, Sir, was foully murdered in March, 1928 near Kuria in the Sokoto Province by a religious fanatic. There were no personal motives for the murder and the circumstances by which he became the victim were entirely fortuitous. He had completed seven years service on railway construction, and was on the maximum of his salary scale, namely £500. He had a consistently good record, and if his appointment had been a pensionable one, he would have been confirmed in it some years ago, and his estate would have been eligible for the grant under the Pensions Law of a gratuity of £560, whilst his mother would have been eligible for a grant under the Treasury Injury Warrant Scale to an annual allowance of £74 13s. 4d. Mr. Clements, whose father is seventy-one years of age, was the only surviving son of his parents, there having been two of his brothers killed in the war. He contributed £150 a year to the support of his parents, and the loss of that contribution has left them in necessitous circumstances. I feel sure, Sir, that every Member of this Council will agree that this is one of the most deserving cases in which Council has ever been asked to vote a compassionate grant, and the utmost generosity possible should be shown. I beg to move the resolution standing in my name.

The Hon. the Treasurer: I beg to second the motion.

The resolution was carried.

The Hon. the Acting Chief Secretary to the Government: rise, Sir, to move the following resolution:—

“ Be it resolved: That, this Council approves a compassionate grant of £1 per week for five years with effect from the 27th of November, 1928, to the widow of the late Mr. E. C. Duff, Second-class Resident.”

Mr. Duff, Sir, was a Second-class Resident who retired from the Nigerian Government Service in 1919. He died suddenly in April last, the cause of death being degeneration of the heart muscles which, in medical opinion, was due to the strain of fevers during his tropical service. He suffered both from malaria and blackwater fever during his service in Nigeria.

He has left a widow and three children, a son aged fourteen and two daughters aged thirteen and one and a half respectively. They are left with scanty provision partly owing to the failure of Mr. Duff to contribute to the Widows' and Orphans' Pension Scheme although he had an opportunity of doing so. Mrs. Duff's chief anxiety is for the period of education of her two elder children, and she hopes, if she can tide over that period, that she will be able to manage. Government has accordingly thought that this is a case in which the principle that no compassionate gratuity should be granted to the dependents of an officer who has failed to join the Widows' and Orphans' Pensions Scheme might well be relaxed. I beg, Sir, to move the resolution standing in my name.

The Hon. the Treasurer: I beg to second the motion.

The motion was carried.

IAGOS TOWN PLANNING ORDINANCE, 1928.

The Hon. the Commissioner of Lands: On Saturday last, Sir, I brought up the Report of the Select Committee and pending reference to the House as to the general sense of the Members as to whether the Bill should be referred back to Select Committee or go before Committee of the full House, I did not move the adoption of the Report.

Now it has been decided by you, after hearing Honourable Members on the subject, that we should proceed to Committee of the full House, I beg to move that the Report be adopted and the amendments made part of the Bill.

The Hon. the Acting Attorney-General: I beg to second the motion.

His Excellency: I think we had better regard your motion as a motion to go into Committee of the full House, then I think you had better move the adoption of the Report on the Bill.

The Hon. the Commissioner of Lands: I beg to move, Sir, that Council go into Committee to consider the Bill clause by clause.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I regret very much, Sir, to find myself in opposition to that course, but my opposition is entirely actuated by a desire to be helpful to the Government and to this Council. Since Saturday last when Your Excellency mentioned the matter, I have gone into this Bill pretty fully with a number of members of the Select Committee, and it is perfectly plain that there are a large number of amendments other than those mentioned in the Report of the Select Committee, which are going to be put forward when this Bill comes up again for consideration, and the nature of those amendments is such that I am more than ever convinced that they can be more satisfactorily and more expeditiously dealt with by the Select Committee than by a Committee of the whole House. The amendments to different clauses involve reconsideration of other clauses, and to my mind it is going to be an endless business if done in Committee of the whole House, whereas sitting round the table with specially selected members of this House, these amendments will be comparatively easily dealt with. I oppose this motion and move an amendment that the Bill be sent back to the Select Committee with a request that they will reconsider it in the light of the further amendments proposed, and report fully to this House, so that the third reading of the Bill may be taken not later than Friday morning; or to use the expression of some of the Committee "when they can finish it." It seems to me, Sir, that this Bill is of great importance, and it involves very difficult and intricate and specialised questions, and it seems to me in the interests of the Council and of the Government, that these amendments should be dealt with by a special jury in the form of a Select Committee, and that procedure will also release for their duties many important officers who will otherwise have

to attend a Committee of the full House, and who, owing to the nature of the Bill, will not wish to take any active part in the discussions. I accordingly suggest, and it is a suggestion made entirely in the interests of the Government and in the interests of sound legislation, that this amendment should be accepted by the Council in preference to the motion moved by the Honourable the Commissioner of Lands.

The Hon. the Second Lagos Member (Mr. E. O. Moore): I beg to second the motion.

His Excellency: I will ask at this stage if any Honourable Member proposes an amendment, kindly to have it ready in writing for me to read out to the Council.

The following motion has been proposed and seconded:—

“That the Bill be sent back to the Select Committee with a request that they reconsider it in the light of further amendments proposed, and report fully so that the third reading of the Bill may be taken not later than Friday morning, the 30th of November, 1928.”

Does any Honourable Member wish to speak on the motion?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I say, Sir, that I shall have a great deal to do with this Bill, and I think the more convenient course is that proposed by the Honourable the Commissioner of Lands, and I support his proposal.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt. O.B.E.): I rise, Sir, to support the Honourable the Commercial Member for Lagos in what he has said.

His Excellency: I should like before we take a vote to hear further unofficial members on this point, and I may say, if we do come to a vote, it will be an open vote.

No other Member having expressed a wish to speak, His Excellency put the amendment to the vote. Honourable Members voted as follows:—

FOR—14.

The Hon. Mr. Becker.
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 Mining Member.
The Hon. the Member for the Colony Division.
The Hon. the Director of Public Works.
The Hon. the Acting Deputy Chief Secretary.
The Hon. the Acting Secretary, Southern Provinces.
The Hon. the Resident, Abeokuta Province.
The Hon. the Director of Marine.
The Hon. the Commandant, His Honour the Lieutenant-Governor, Southern Provinces.

AGAINST—16.

The Hon. the Third Lagos Member.
The Hon. the Commercial Member for Lagos.
The Hon. the Commercial Member for Kano.
The Hon. the Member for the Egba Division.
The Hon. Mr. G. B. Hebden.
The Hon. Lt.-Col. R. B. Rowe.
The Hon. the General Manager of the Railway.
The Hon. the Acting Secretary, Northern Provinces.
The Hon. the Senior Resident, Kano Province.
The Hon. the Acting Secretary for Native Affairs.
The Hon. the Administrator.
The Hon. the Comptroller of Customs.
The Hon. the Treasurer.
The Hon. the Acting Director of Medical and Sanitary Service.
The Hon. the Acting Attorney-General.
The Hon. the Acting Chief Secretary to the Government.

The motion was therefore declared to be lost.

His Excellency: I will now put the Commissioner of Lands' motion formally to the Council, that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

Clause 2.

The Hon. the Commissioner of Lands: I beg to move an additional definition to this clause, Sir; a definition of "holding":

" 'Holding' means any piece or parcel of land, and 'original holding' and 'final holding' mean respectively, with reference to a scheme which provides for the re-distribution of holdings, a holding prior to its amalgamation with other holdings for the purpose of redistribution and a holding allotted in pursuance of redistribution."

The definition is necessary, Sir, in order to explain the nature of different kinds of holdings which are referred to in clauses of the Bill which we shall come to later on.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): Before we proceed, may I take it that Council can be assured that the Bill we are now considering includes all the amendments proposed in Select Committee?

The Hon. the Commissioner of Lands: Yes it does, Sir.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): May I suggest, Sir, that the "Definitions" clause might be left until after we have gone through the other clauses? There may be other definitions necessary, or perhaps when clauses to which these definitions refer come up for discussion, we may want to alter them; and this would necessitate alteration of the "Definitions" clause.

His Excellency: We can postpone that clause until the end if the Honourable Member wishes.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I say, Sir, that makes it extremely difficult because it is according to whether the question of definitions is settled or not that the amendments I have to propose may or may not be out of place. I can only make amendments on the assumption that there is either to be a definition or no definition, and unless the question is decided, I am at a loss to know what to do.

His Excellency: Yes, I see your point.

The Hon. the Acting Chief Secretary to the Government: May I say that the right way to deal with this question is to leave the "Definitions" clause as has been suggested, and when the Honourable Member wishes to move an amendment to one of the other clauses which involves a definition, he should say so in moving the amendment as part of the explanatory statement, and then when the definitions come to be considered, if his amendment has gone through, he will of course move an amendment to the "Definitions" clause. If it fails to go through then of course he will not but to begin by taking definitions means adopting the "Definitions" clause now, and I do not think that is very appropriate.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): With great respect, Sir, I would submit that it is going to make it very inconvenient for me, as I have a lot of amendments to propose, if the "Definitions" clause is postponed. If that is the proper course I will do the best I can, but it is going to make it extremely difficult for me personally.

His Excellency: I think we will adopt the suggestion that the "Definitions" clause be taken at the end, but I think it will meet the case if in moving an amendment the Honourable Commercial Member for Lagos (Mr. R. F. Irving) refers to a new definition, it is understood that he will later on define what the term means.

The Hon. the Commissioner of Lands: I think, Sir, it will make it quite clear that the amendments of the Select Committee are embodied in this Bill if I formally move that the amendments of the Bill, they are adopted.

His Excellency: It is not necessary because if they are included in the Bill, they are adopted.

The Hon. the Commercial Member for Lagos (Mr. F. Irving): It is the amended Bill that we are now going through clause by clause?

His Excellency: Yes.

The Hon. the Commercial Member for Calabar (Mr. G. C. Paul): I take it that the Bill has been published as amended in the Gazette? If so, we are in order in going on with the amended Bill and if not, then I say we are not.

The Hon. the Acting Attorney-General: With all respect to what the Honourable Member who has just sat down said, there is no need for the amended Bill to have been published in the Gazette. The Bill has been amended in Select Committee and has been reported by the Chairman of that Committee, and I think the Chairman of the Select Committee moved just now that the amendments be adopted by this Council, and I understood they were put to the Council and were adopted.

The Hon. the Commercial Member for Calabar (Mr. G. C. Paul): I understood that His Excellency moved that the Council go into Committee and not the adoption of the Report of the Select Committee.

His Excellency: Does any Member wish to speak on the motion of the Honourable the Commissioner of Lands, namely, that the amendments proposed by the Select Committee be adopted? If there is any opposition we must take a vote.

The motion was carried.

His Excellency: We will now proceed with the Bill.

Clause 3.

The Hon. the Commissioner of Lands: I beg leave to move the following amendments:—

Sub-section (1). Add the following:—

“The Board shall be called the ‘Lagos Executive Development Board’ and shall be a body corporate and have perpetual succession and a common seal of such device as may be prescribed and may sue and be sued by the name aforesaid.”

Sub-section (2) (a) (2):—

Delete “The Director of Public Works.”

Sub-section (2) (a) (3):—

then becomes sub-section (2) (a) (2). Add as sub-section (2) (a) (3) “An Assistant Director of Public Works.”

These amendments are consequent on the advice of the Secretary of State that the Director of Public Works would not be able to give his whole time to the work. Sub-section (3) insert after “for such period”, “or for such purpose”.

His Excellency: That clause 3 (1), (2) (a) and (3) as amended stand part of the Bill.

The amendment was adopted.

Section 7.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move that the words “or is an obstructive building” be deleted. It seems to many of us that it is rather dangerous to leave those words in because the Board may conceivably declare a very large building which has been perfectly legitimately erected to be an obstructive building and thereby put the owners to considerable cost.

The Hon. the Commissioner of Lands: I think Government can accept that motion, Sir, because we can deal with questions of obstructive buildings under the clause connected with acquisition.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): With reference to this section, Sir, I move that the only insanitary building contemplated as possible is one "which is used or is intended or is likely to be used as a dwelling place." I suggest that that is not quite enough. A stable might possibly be an insanitary building, or a hen house might be an insanitary building, but they could not be classified under "dwelling place." I therefore propose an amendment to delete the words from and including "which" in the second line of this section down to "habitation" inclusive and substitute the words "is insanitary."

The Hon. the Commissioner of Lands: I am advised by the Honourable the Acting Director of Medical and Sanitary Service that we should accept that amendment, Sir.

His Excellency: Will the Honourable Member read out the section as it would be if his amendment were adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, Sir.

"Whenever it appears to the Board that within a town planning area any building is insanitary, the Board may by resolution declare such building to be insanitary."

His Excellency: Your amendment would have this effect, that whenever it appeared to the Board that a building was insanitary, they could so declare it. That seems rather autocratic. However, I am prepared to accept the amendment; it is rather wider than the present definition. The motion is that clause 7 as amended by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) and the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) stand part of the Bill.

The amendment was adopted. Clause 7 to stand part of the Bill.

Clause 8.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move that after sub-sub-section (b) of sub-section (1) there be inserted a sub-sub-section (c) as follows:—

"(c) fix on a conspicuous part of the building a notice stating that it has been declared to be insanitary, and must be demolished."

The point is this, Sir, that anyone who has anything to do with property in Lagos would agree that the most efficient way of getting a thing brought to the notice of anybody who has interest in the property is to placard that property with a notice, because when a party intends to take any steps, he naturally wishes that everybody who has any interest in the property should know about it. I think such a course as this is very necessary, particularly in view of our local conditions.

The Hon. the Commissioner of Lands: I am in complete agreement with the Honourable Member, Sir, and would like to accept the amendment.

The Hon. the Acting Attorney-General: I should like to suggest to the Honourable Member that perhaps he would like to alter his amendment slightly. If he will look at section 8 he will find that it says "When a declaration under section 7 or 12 (2) has been made the Board shall forthwith," etc., etc. There is no power under section 7 to demolish a building at all, therefore his notice would not be in order. Perhaps he would like to alter his amendment to make it agree.

If the Honourable Member would turn to section 12 (2) he will see that under this section a building may have to be demolished. If the Honourable Member is satisfied with a notice on the premises that they are insanitary, then I have nothing more to say.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): It would meet the case I think, Sir, if I cut out the words in my amendment "and must be demolished."

His Excellency: That the amendment to section 8 (1) to add a sub-section (c) "fix on a conspicuous part of the building a notice stating that it has been declared to be insanitary and must be demolished" and as further qualified by the omission of the words "and must be demolished" stand part of the Bill.

The amendment was adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Before we leave clause 8, Sir, I should like to know what definition it is proposed to give of "owner of a building." We are legislating about what an owner is to do, but I am not certain what an owner is. If a man has a ninety-nine years lease of any land and puts up a building, is he the owner of the building or is the owner of the fee simple on which it is built the owner of the building?

The Hon. the Acting Attorney-General: Sir, I think I can answer that question here. The owner is the owner in fee simple; in England and elsewhere too that is the ordinary meaning of the word "owner."

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Do I understand, Sir, if I have a ninety-nine years lease from an owner in fee simple and I put up a building, that I am not the owner of that building?

The Hon. the Acting Attorney-General: That is in accordance with the ordinary law, where a building follows the land. Buildings are not separate from land in England, though they are in some other countries.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I appreciate that, Sir, but if I have put up a building on land on which I have a ninety-nine years lease, and that building is declared insanitary, I think some notice should be given to me of the fact.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I quite agree with the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) and I totally disagree with the Honourable the Acting Attorney-General's definition of "owner," but this is a difficulty which we shall get into unless we thrash out the meaning of the term "owner" which is used throughout the Bill.

His Excellency: The following amendment to clause 8 (1) (b) is proposed by the Honourable Member for the Egba Division (Mr. S. H. Pearse):—

"serve a notice on the owner of the building in respect of which the declaration has been made stating that if within three months from the date of service . . . Board."

What are your reasons for proposing this amendment?

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): My idea for suggesting this amendment is this, Your Excellency: the owner of a building may perhaps live some distance away from the township; perhaps as far off as Badagry, perhaps even the Cameroons, and you cannot expect that one month would be sufficient for him to take the necessary steps. I feel that if you would make the time limit three months, that would give the owner ample opportunity to deal with the matter.

The Hon. the Commissioner of Lands: I cannot accept the amendment, Sir. I have asked the Administrator and the Director of Medical and Sanitary Service and they both agree with me that it is necessary to have one month. I feel that if there had been three months given in the Bill they would have asked for six, and if six then they would have asked for a year, and in view of the serious state of Lagos we really must get moving. Incidentally I do not think that if a man has left his building in an insanitary state, there is any reason to ask for a longer period of notice.

His Excellency: The Honourable Member realises that we are only dealing with Lagos, and not any place outside Lagos?

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): Yes, Your Excellency, I am aware that we are only dealing with Lagos, but some owners of property in Lagos do not live here, and it seems to me when you give a notice of this sort you must give ample opportunity to the owner to attend to the matter, and I do not think one month is sufficient.

His Excellency: I will put the motion to the Council that "one month," in section (b) of sub-section (1) clause 8 be deleted, and "three months" be substituted. Will those in favour say "Aye" those against "No."

The amendment was lost.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): In view of the definition of "owner," which I understand is to be incorporated in the definition clause, I move to insert after the word "owner" in line one, sub-section (b) of section (1) of this clause the words "and on any other person having right, title or interest in the building."

The Hon. the Acting Attorney-General: Before the Honourable Member moves his amendment, I should like to say that I did not say that that amendment was to be incorporated in the definition clause in the Bill. I did say that is my interpretation as the Bill now stands. I am quite prepared to advise the Government to insert a definition, which, while not going so far as the definition desired by the Honourable Commercial Member for Lagos (Mr. R. F. Irving), yet at the same time does widen the scope or ambit of the word "owner."

The definition which I propose is:

" 'Owner' means the person for the time being receiving the rent of the land or premises in connexion with which the word is used, whether on his own account or as receiver (not being appointed by or on behalf of a mortgagee) or who would receive the same if such land or premises were let to a tenant, and shall include a mortgagee in possession."

I may say this definition is used in several Imperial Acts and in the Singapore Improvement Ordinance. I do not know whether that would possibly meet the objections of the Honourable Members?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I rise to a point of order? It has already been decided that definitions should be held over until the end.

His Excellency: I think the Attorney-General is only trying to help the Honourable Member. It has been agreed that definitions should come at the end, but in this case he is trying to help the Honourable Member.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Then I put my motion, Sir.

The Hon. the Acting Chief Secretary to the Government: I think, Sir, when it was decided to leave definitions over until the end, it was not intended to preclude the discussion of what the definition of any particular word should be, but that the formal passing of the clause should wait to the end, and when I suggested that should be done I contemplated in discussion on the amendments that we might settle some of the definitions as we went along. I would suggest, Sir, that it might be convenient at this stage to decide what definition of "owner," if any, should be put into the Bill, and I think that would meet the wishes of Honourable Members.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I move, Sir, a definition of the term "owner"?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I think, Sir, it would meet the Honourable Member for Calabar's (Mr. G. Graham Paul's) views—it would certainly meet my own—if we could now proceed to a definition of "owner." The definition I have to propose, Sir, is a very short and simple one. It is as follows:—

" "Owner" includes every person having any right title or interest in the premises in connexion with which the term is used, except a legal chargee."

That is very simple; there are no technical terms in it, and it gives notice—which I think is most important—to everybody concerned when their property is going to be affected, and indicates that every person who has a vestige of interest in that property is being considered. I have discussed the question of a definition with the Acting Attorney-General, who has been very considerate in listening to anything I had to say, but I am afraid we came to complete loggerheads over this. It was the very first point I brought up in my discussions and it was the very first point I may say incidentally, that the Honourable Lagos Members who were good enough to meet me, brought up too.

It seemed to us absolutely essential that there should be a definition of "owner" and that that definition should be as plain and simple as possible. The Honourable Acting Attorney-General has just told us, when the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) raised the question, that it was all perfectly simple; the term "owner" was the person who held the fee simple.

Well, Sir, I entirely disagree with him, and it seems to me that when two such eminent legal luminaries as the Acting Attorney-General and myself differ on such a point as this, then it is necessary that that term should be definitely defined. (Laughter). The term "owner"—I think I may say so with safety—is one of the most ambiguous terms that could be employed in any legal document, and particularly in an Ordinance of this nature. There is a work which is very well known, at least to all the legal members of the Council, and that is "Stroud's Judicial Dictionary," which deals with the definitions of legal terms. Stroud requires six or seven closely written pages to deal with the definition of the term "owner", and on nearly every occasion on which it is found convenient to use the term, you will find a definition of it given. In the Singapore Improvement Ordinance, on which this Bill is mainly based, there is a definition of "owner." Unfortunately it is a definition that I could not possibly accept, and I suggest that instead we have another definition, and that the simple definition I have put forward be adopted. I have gone through the Ordinance carefully on the assumption that that definition is in, and I have examined every single case in which the term "owner" comes up and I have not been able to find a single instance in which it is not convenient to use it, and also make what is meant perfectly clear.

As I have a great number of further amendments to move, I should like to say this. I am not putting forward these amendments in any captious spirit or any "agin the Government" spirit. I am very anxious that the Bill should be as good as it can be; it was approved unanimously at the second reading and it is now up to us to do the best we can to improve it. I am sure you will agree with me that that must be so. Personally I am mainly concerned to see that persons whose sacred rights of property are being affected shall not be affected one whit more than is absolutely necessary in order to carry out the scheme, and I am only anxious to help the Board by proposing amendments which I think will facilitate its work. I want to ask this, Sir, that when we are considering clauses and amendments that are proposed, if Your Excellency is satisfied that they do not involve any question of principle to which the Government is bound, I do ask that Your Excellency will allow a free discussion and a free vote, and I further venture to ask that Your Excellency will be generous in drawing a line between a question of principle and a question that is not one of principle. It is very difficult for us, speaking unofficially and from an unofficial point of view to have to address a large number of people, who, so far as we are concerned, are merely a stone wall. I hope Your Excellency does not misunderstand me. I am not being so foolish as to think that at our present

stage of development, on all occasions when a question of principle is involved the Government should not recommend its official members how to vote, but as far as possible I would ask Your Excellency to allow us to have the benefit of the views and votes of official members, many of whom have had a great deal of experience in Lagos (applause).

The Hon. the Acting Attorney-General: Sir, I should like to pay a tribute to what the Honourable Commercial Member for Lagos (Mr. R. F. Irving) has said with regard to any part that I may personally have played in trying to reach agreement with him over the numerous amendments which he desires to make with reference to this Bill. I can only say that I have done my best all through and I think the Honourable Member will admit that both the Commissioner of Lands and myself have given way to a very considerable extent in order to meet him over the numerous amendments he has proposed, and here, Sir, I should like to say that in a large number of instances he has improved the Bill.

With regard to the particular point which he raises now as to the definition of "owner", the definition which I have given is that owner means owner in fee simple, that is the absolute owner, but I have never said that we could not enlarge upon that definition somewhat. He also mentioned that all his Lagos colleagues on the Select Committee agreed with him that a definition of "owner" should be inserted. All I can say is that if this glaring fault in the Bill is so outstanding and is so apparent to every Lagos member, how is it that the Select Committee which met for several days, does not appear to have noticed the omission? It seems strange that they have suddenly awakened to the fact that a definition is required. It is not a strange thing that there should be a definition, but I object to this particular definition on these grounds; first of all it imports a meaning into the word "owner" which it does not normally possess, and it makes the term seem entirely different from what it means; therefore I say it is bad drafting to import that meaning into the word "owner." Further in the last week or so I have been searching through numerous Imperial Statutes, and I have searched through Ordinances of almost every Colony and British Dominion, but I have not found a definition of "owner" similar to this or anything like it. If the Honourable Member's definition is imported into the Bill it will mean that all notices will have to be served on almost everybody who has any remote connection with the property whatsoever. Notices will have to be served on the person who has a right of way, persons who have rights in connection with ancient lights, or water rights which makes its application very wide. Also it will have a curious effect, the extent of which it is impossible to say exactly, on various sections where a comparison is drawn between "owner" and "occupier" and where the words are referred to in the Ordinance in their limited sense, such as in Part VIII of the Bill which deals with rating.

The Government are perfectly prepared to safeguard the rights of those who have any interest whatsoever in the property, and I suggest to the Honourable Commercial Member for Lagos (Mr. R. F. Irving) that, instead of moving this amendment, when he comes to any particular section, he should insert the words that are required to protect the various interests concerned.

I am prepared to advise the Government to insert the definition of owner which I read out in answer to the Honourable Commercial Member for Calabar (Mr. G. Graham Paul). I will read it again:

" 'Owner' means the person for the time being receiving
 " the rent of the land or premises in connexion with which
 " the word is used, whether, on his own account or as agent
 " or trustee for any other person or as receiver (not being
 " appointed by or on behalf of a mortgagee) or who would
 " receive the same if such land or premises were let to a
 " tenant, and shall include a mortgagee in possession."

This definition I may say has been taken from Stroud's Judicial Dictionary, referred to by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving), and it has been used in several English Statutes of this nature, and I suggest that this definition be inserted in place of the one moved by the Honourable Member. Further I would suggest that when he comes to any particular

section where he considers that the interests of the various persons concerned are not adequately protected, then he should move an appropriate amendment without insisting upon the insertion of a definition of this nature which imports something that the word "owner" does not mean, and which will run through the whole Bill.

His Excellency: Speaking from the Government point of view on these legal proposals, we cannot of course accept the view that when there is a difference of opinion between unofficial legal members and our own legal advisers we should adopt the views of the former. Unless something crops up in the course of the debate which indicates that our advisers are wrong, Government naturally sticks to the opinion of its own legal advisers. Nor can we accept the view that because the definition of "owner" in another place is not acceptable to the Honourable Member that therefore he is right and we are wrong. But leaving that apart, I think it is very important as the word "owner" occurs so frequently, that we had better get it clearly defined before we deal with the other definitions, and make an exception to what we decided at first, namely, to leave definitions to the end.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I make a few observations in reply to the Honourable Attorney-General, Sir?

His Excellency: Yes.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): With reference to the Honourable Attorney-General's point that this matter was not brought up in Select Committee. I do not quite see that he has cause to complain that things are being brought up now which might have been brought up in Select Committee.

The Hon. the Acting Attorney-General: I don't want to interrupt the Honourable Member but I did not complain. I said it was peculiar it was not noticed during the discussions in Select Committee.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I don't see the peculiarity. Personally, I am very busy, and I know most of the other members of the Select Committee are very busy people. I did not want to serve on the Committee but I thought it might have been disrespectful to His Excellency if, after having appointed me, I had declined to act. We went to the meetings of the Select Committee with only this in our minds, that only points of principle were required to be dealt with. For instance, take the question of arbitration; the Bill provided that disputes be referred to an arbitrator and we recommended that the Supreme Court should be substituted as being a more satisfactory arrangement. We considered big questions like that which occurred to us, but we had not the time beforehand to go right into the whole matter.

The Honourable Attorney-General said there would be difficulty if my definition of "owner" were accepted in view of the rating clause, but I do not see where the difficulty comes in. The Honourable Attorney-General knows quite well that every definition is subject to this: "anything to the contrary in the context notwithstanding." That is embodied in the general interpretation of the term "owner." I do not think I am imposing any burden on the Board in the matter of serving notices, but unless there is a general notice which will affect all persons who may have an interest in the property, of whom the Board is not aware, then the whole thing is impracticable.

The Honourable Attorney-General says this definition is something new. He seems to be shocked at the idea of anything new. I am not being so modest as he, and I prefer to bring forward something entirely new if I think it is better. This definition, as I said before, has plain English words in it; there are no technical terms and it will be well understood because in the Lands Registration Ordinance it comes in over and over again in connection with that definition.

His Excellency: I will now put the Honourable Member's amendment as to the definition of "owner."

"Owner" includes every person having any right title or interest in the premises in connexion with which the term is used, except a legal chargee."

Should the amendment be lost, I will then put the definition which has been proposed by the Honourable the Acting Attorney-General.

The Hon. the Administrator: Is this an open vote?

His Excellency: No.

Honourable Members voted as follows:—

FOR—15.

The Hon. the Member for Shipping (Provisional)
The Hon. Mr. W. F. Becker.
The Hon. the Third Lagos Member.
The Hon. the Commercial Member for Lagos.
The Hon. the Commercial Member for Kano.
The Hon. the Member for the Oyo Division.
The Hon. the Member for the Rivers Division.
The Hon. the Member for the Egba 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 Mining Member.
The Hon. the Member for the Colony Division.
The Hon. Mr. G. B. Hobden.

AGAINST 19.

The Hon. Lt.-Col. R. H. Rowe.
The Hon. the Director of Agriculture.
The Hon. the Director of Public Works.
The Hon. the General Manager of the Railway.
The Hon. the Acting Deputy Chief Secretary.
The Hon. the Acting Secretary, Southern Provinces.
The Hon. the Resident, Abeokuta Province.
The Hon. the Acting Secretary, Northern Provinces.
The Hon. the Senior Resident, Kano Province.
The Hon. the Acting Secretary for Native Affairs.
The Hon. the Administrator.
The Hon. the Comptroller of Customs.
The Hon. the Director of Marine.
The Hon. the Treasurer.
The Hon. the Director of Medical and Sanitary Service.
The Hon. the Commandant.
The Hon. the Acting Attorney-General.
His Honour the Lieutenant-Governor, Southern Provinces.
The Hon. the Acting Chief Secretary to the Government.

The amendment was therefore lost.

The Hon. the Acting Attorney-General: I beg, Sir, to move that the definition of "owner" which I read out just now be inserted in clause 2:—

"Owner" means the person for the time being receiving the rent of the land or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person or as receiver (not being appointed by or on behalf of a mortgagee) or who would receive the same if such land or premises were let to a tenant, and shall include a mortgagee in possession."

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I should like to speak to this motion, Your Excellency, and I should like to call Your Excellency's attention to the very first occasion on which the term "owner" occurs in this Ordinance, and to call the attention of the Committee to the effect thereof. Unless I am greatly mistaken the term "owner" comes in for the first time in connexion with the clauses as to insanitary buildings. One has to picture what often happens in actual practical life. A property may be under a long lease; there may be a tenant who has a long lease to run, say ninety years; then there may be a tenant for life who gets the rent during his life, and finally there is the fiar, as we call him in Scotland, who gets the beneficial use of all the property, first of all in the rents when the tenant for life dies, and all the property when the term of tenancy expires. If we picture a case like that, and it is not during a very improbable case—it is a picture indeed of a very probable set of circumstances in connexion with any building—then who, if this building is ordered to be knocked down, is going to knock it down if the definition proposed by the Honourable Attorney-General is accepted? The person in receipt of

the rents of that property, even though he is only the agent for somebody else? There may be a long term of the tenancy to run, and the person who is really affected is the lessee, and if the premises have got to be knocked down, surely it is for him to knock them down and to pay the whole cost, not the agent for somebody else who happens to be collecting the rent. It must be obvious to everyone that the person on whom should be cast the burden of removing the building should be the tenant. I could speak for years on this question, but I submit I have said enough to show that this definition as applied to these sections creates an absurdity.

The Hon. the Acting Attorney-General: I cannot agree with the Honourable Member. The person who must ultimately be responsible for the demolition of a building must be the absolute owner of the property. It is true that a large portion of the interest may lie in the lessee if he has a ninety-nine years lease, but he is not the owner of the property. It is the person who has the freehold who is the owner. I have no objection to words being put into the section so as to protect the interests of the lessee when we come to the consideration of the section.

With regard to what the Honourable Member said as regards the agent, he is only standing in the place of the owner; he is not a separate person at all, and it is only a matter of convenience that he should collect the rents rather than the owner himself.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I should just like to refer to this, Your Excellency, in connection with the contention of the Acting Attorney-General that "owner" means the person who has the fee simple. "Owner" in Stroud's Judicial Dictionary is defined in its broad sense apart from any definition in an Act, and it says that the "owner" or "proprietor" of a property is the person in whom it is for the time being beneficially vested, and who has the occupation, or control, or usufruct, of it, e.g., a lessee is, during the term, the owner of the property demised.

The Hon. the Acting Attorney-General: That does not refer to the owner of land, but to the owner of property, which includes leasehold property. He is merely the owner of the leasehold interest in the property.

His Excellency: I will put the Honourable Acting Attorney-General's motion. Does the Honourable Member desire a division?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I do not wish to trouble Honourable Members to vote unless it is a free vote.

His Excellency: It is not a free vote.

The motion was carried.

His Excellency: The Honourable the Commercial Member for Calabar has another amendment I understand to Clause 8 (1) (b).

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): In view of the vote which has been taken, and Your Excellency's declaration to the effect that it is not an open vote. . .

His Excellency: Do not misunderstand me. In the question of a Government matter it is usual for the Government to require the votes of the official members. It is impossible to always allow an open vote. A Government Bill must receive Government votes, but at the same time I am not trying to obstruct unofficial members at all.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I do not wish to criticise Your Excellency's decision, but in view of the fact that the amendment I proposed would merely have the effect, as far as this section is concerned, of importing into this section the definition of "owner" which this House has rejected, I wish to withdraw it, unless the Acting Attorney-General is prepared to accept it.

His Excellency: We are extremely anxious to meet the wishes of unofficial members if we can.

The Hon. the Acting Attorney-General: This definition, Sir, is with regard to the service of a notice. Is not the Honourable Member satisfied by the placing of a notice on the land itself? The Honourable Commercial Member for Lagos (Mr. R. F. Irving), has already moved an amendment to this section which makes it imperative on the Board to put a notice on the land. Will that not satisfy everything?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, I will withdraw my amendment.

Clause 8 to stand part of the Bill.

Clause 9.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I wish to draw attention, Sir, to Clause 9, sub-section (1):

“ After consideration of all objections the Board may
“ revoke any declaration made under section 7 or reject any
“ objection made under section 8 provided always that any
“ person dissatisfied with such rejection by the Board may
“ apply to the Board for the declaration to be referred to the
“ Governor in Council.”

Nothing, however, is said as to what the Board must do on receipt of such declaration. I wish to propose an amendment which will make it necessary for the Board to refer any such declaration to the Governor in Council. All the clause says is that if the person is dissatisfied he may apply to the Board to refer his rejection to the Governor in Council. There it ends. It seems to me, subject to anything the Attorney-General may be able to inform me, that it leaves it entirely to the Board as to whether that application should be granted by the Board or not.

The Hon. the Acting Attorney-General: With regard to that amendment, Sir, I think the Board would have to refer the objection to the Governor in Council, but if the Government likes to insert the words “ and the Board shall ” that might meet the wishes of the Honourable Member.

His Excellency: We all hope, if the applicant is dissatisfied, that the matter shall go to the Governor.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have no doubt, Sir, that such is the intention of the Government but actually there is nothing in the section.

His Excellency: Would you agree to the insertion of these words “ and upon such application the Board shall . . . ” ?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I think that would meet the case, Sir.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I think, Sir, there should be a time limit within which any person dissatisfied can apply to the Board to refer the matter to the Governor in Council, and I move the insertion of the words “ may within one week ” before the words “ apply to the Board.”

The Hon. the Acting Attorney General: Section 8 (2) deals with that.

His Excellency: The Government will accept that amendment. The clause will then read:—

“ After consideration of all objections the Board may
“ revoke any declaration made under section 7 or reject any
“ objection made under section 8 provided always that any
“ person dissatisfied with such rejection by the Board may
“ within one week apply to the Board for the declaration to
“ be referred to the Governor in Council, and upon such
“ application the Board shall refer the declaration to the
“ Governor in Council.”

The Hon. Member is that the clause as amended by the Honourable Member for Calabar, and the Honourable Commercial Member for Lagos stand part of the Bill.

The amendment was adopted. Clause 9 to stand part of the Bill.
Clause 9.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):
I beg to move that the words "all leases and" be deleted.
Sir, is this, that under this provision all that the Board
is to get an insanitary building demolished and to get the
premises as speedily as possible. It is not seeking for anything
that, and to interfere with leases would, I submit, be
unnecessary. The premises may be under lease, say for
ten years, and a man may have taken the property for
the purpose of knocking down a building and putting up
new one. Therefore I submit his lease should not be determined,
and I do not think it is the desire of the Board to have any such
power. Once the Board has got the building demolished and the
people are satisfied.

The Hon. the Commissioner of Lands: Subject to any
objections that the Acting Attorney-General may like to make
with regard to the legal effect of the amendment, that is its effect
in practice, I quite agree with the Honourable Member. We do
not when demolishing a building want to deal with leases, and
here is no reason why a man who has the lease of the property
should not return to his leasehold land. The only thing the Board
is concerned with is to have the insanitary building demolished.
If we want the property in addition we will acquire it in the
ordinary way.

The Hon. the Acting Attorney-General: I have no objection to
make, Sir.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):
I beg to move a further amendment to move on this clause, Sir. It
occurred to me (though I may say I am not pressing this amend-
ment) that the Board has not been given certain powers it ought
to have. It should have power promptly to evict people when it
evicts a property. My suggestion is to add after "determine"
the words "and the provisions of section 38, *mutatis mutandis*,
shall apply." I am not pressing this, Sir, if there is the least
objection.

His Excellency: We can accept that.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):
I submit, Your Excellency, that the words which follow
"to be stated in the notice" in section 11 (1) come in more
appropriately here:—

"Provided always that the Board may make such
arrangements as it considers necessary for the rehousing of
any persons thereby dishoused and may pay such persons
such compensation for disturbance and transport as in its
absolute discretion it thinks reasonable."

His Excellency: We have no objection to that. The question is
the section as amended by the Honourable Commercial Member
for Lagos (Mr. R. F. Irving) be adopted. The section now reads
as follows:—

"10. (2) Upon registration of an order under sub-
section (1), all rights of occupancy under any tenancy in
respect of the building to which the order relates shall
forthwith determine and the provisions of section 38, *mutatis*
mutandis, shall apply. Provided always that the Board may
make such arrangements as it considers necessary for the
rehousing of any persons thereby dishoused and may pay
such persons such compensation for disturbance and trans-
port as in its absolute discretion it thinks reasonable."

The amendment was adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I think, Sir, it is necessary to add a proviso to clause 10 sub-section (1), that the Commissioner of Lands shall keep a register for the purpose of registering any orders, declarations or certificates made or given by the Board, or by the Chairman of the Board under this Ordinance. As far as I am advised at present, there is no provision for a register.

After discussing this motion with the Commissioner of Lands the Honourable Member continued:

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): In consultation with the Honourable Commissioner of Lands, Sir, I am advised that although there is no special provision for registration under this Ordinance, there is such provision in the Lands Registration Ordinance. I therefore withdraw my amendment.

Clause 10 as amended was adopted.

Clause 11.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move, Sir, that the proviso in sub-section (1) be deleted. It has already been incorporated in clause 10 sub-section (2).

The amendment was adopted.

The Hon. the Commissioner of Lands: I beg to move, Sir, that "49" be substituted for "46" at the end of sub-section (2).

The amendment was adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I draw attention to sub-section (5) as to the effect of cancellation of registration? I do not know whether the Honourable the Acting Attorney-General has considered what effect cancellation of registration is going to have on determination of rights of occupancy under a tenancy under clause 10 (2). If the determination depends on registration and the registration is cancelled, I am afraid there may be legal questions arising as to whether the determination is not also cancelled. I suggest that it may be enough to provide in sub-section (6) for the registration of the certificate signed by the Chairman; not the cancellation of the order previously registered.

The Hon. the Acting Attorney-General: I do not think there would be any difficulty. All that is registered is the order made under clause 9 (3), and that is cancelled.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, Sir, I accept that.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I should like to move that sub-section (2) be deleted. I do not think it is at all necessary as the Board has power under other parts of the Ordinance to acquire premises if it thinks fit to do so.

The Hon. the Commissioner of Lands: I do not think such an amendment will make any difference, Sir, and if we go on amending the Bill in that way, it will take a very long time to get through. I consider there is no essential point raised.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I will withdraw my amendment, Sir, though I shall move that the words "lessee and occupier as the case may be" be deleted. I have an idea that that is a clerical error, although of course it may have been embodied intentionally—that I do not know—but I would point out that the clause already provides that the occupier should have compensation, and as the lessées are not to be disturbed, there is no need to compensate them. In view of the amendment to section 10, sub-section (2), there is no occasion now to provide for compensation to them; neither is there any need to provide for compensation to occupiers, because that has already been provided.

The Hon. the Commissioner of Lands: I will leave the effect of that to the Honourable the Acting Attorney-General to explain.

His Excellency: There is no objection to that amendment; we can accept it.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Do I understand that the deletion of the word "lessee" is approved? I understand the amendment is to delete "lessee and occupier as the case may be." That means that under no circumstances shall the lessee of a building which is demolished under this Ordinance receive compensation? It seems to me, Sir, that if a building is pulled down, as the amendment previously made now stands, the lease still stands. The owner continues to get the rent from the lessee, and the only person who suffers is the lessee whose building is pulled down. I don't quite see why he should be exempted from receiving compensation in favour of the owner who continues to get his rent.

The Hon. the Commissioner of Lands: I should like the Honourable Acting Attorney-General to explain the effect of that Sir under his new definition.

The Hon. the Acting Attorney-General: I think it is for the Honourable Commercial Member for Lagos (Mr. R. F. Irving) to explain, Sir. It is his amendment.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): The position as it appears to me is this, and the case I contemplate is as follows: an owner lets a piece of land in Lagos to a lessee who puts a house up under his building lease. That house is demolished under this Ordinance; the lease now still stands, so that the owner is still going to get his rent under his lease. He is also apparently going to get compensation under this section, but for some reason, which at the moment is not clear to me, the lessee, who still has to go on paying the rent under the lease, is to get no compensation for the building which has been pulled down. I may be misunderstanding the effect of that amendment, but that is how it appears to me.

The Hon. the Acting Attorney-General: I would suggest that the original words in the draft be left in.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): When I moved this amendment, Sir, I understood the Honourable Acting Attorney-General accepted it. I have no objection if he wishes to go back on it, but it seems to me that the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) does misunderstand it. Here we are dealing with an acquisition by the Board. The Board wants to buy a property from the owner of the fee simple; it is going to pay the owner its price for the property having in view the fact that there is still the lease upon it. The property is still subject to the lease because all lessees are out of the section and they are not affected. The building is a separate matter, and when a building is demolished, the question of who is to pay for it, is already provided.

His Excellency: The question is that the section as amended be adopted. The section will now read:—

"(2) An owner so ordered to demolish a building may request the Board to acquire the site on which the building is erected, provided always that if such demolition is deemed by the Board to have caused hardship to such owner the Board may acquire such site in which case the Board shall demolish the building at its own cost and pay to the owner such compensation as may be agreed, or, in case of dispute, be awarded by the Court; provided always that such compensation shall be assessed in accordance with the provisions of section 49."

The amendment was adopted. Clause 11 to stand part of the Bill.

Clause 12.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have an amendment to move to this section, Sir, and also a few other non-contentious amendments, which have been agreed to by the Honourable the Commissioner of Lands. I propose to delete the words "shall, if required" and substitute "may upon

such conditions as it deems fit." It seems to me, Sir, as it stands, the section imposes an absolute obligation on the Board in any case to make an advance. There might be great difficulties in doing so in some cases, and I consider it should be a power vested in them, and that it should not be obligatory.

The Hon. the Commissioner of Lands: I consider that is an improvement to the Bill, Sir, and that it should be adopted.

The amendment was put to the Committee and was adopted.

The Hon. the Third Lagos Member (Mr. T. A. Doherty): I beg to move a further amendment to clause 12, line 3; delete "may" and substitute "shall", so that it reads "shall order the owner to carry out such works therein." This will give the owner a chance of rendering the building fit for habitation, otherwise the premises may be demolished without giving the owner any opportunity at all to render the building habitable.

His Excellency: We cannot accept that amendment for the reason that the discretionary power of the Board may be taken away, and we do not think it is desirable to take away the discretion and make it obligatory on the Board to make an order. I will, however, put the amendment to the Committee that section 12 (1) be amended by substituting the words "shall order" for "may order" in line 3.

The amendment was lost.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Following on the amendment to section 7 for which I was responsible, Sir, I think clause 12 will have to be amended to read "the Board, if it considers that such building is capable of being rendered sanitary, may . . ." instead of reading "if it considers that such building is capable of being rendered fit for human habitation."

The Hon. the Acting Attorney-General: It would appear that an amendment is required.

His Excellency: I will read out the section as it will be if the proposed amendment is adopted:—

"12. (1) Instead of declaring a building to be insanitary, the Board, if it considers that such building is capable of being rendered sanitary, may order the owner to carry out such works therein as will in its opinion achieve that purpose and may, upon such conditions as it deems fit, advance to the owner upon mortgage at a rate of interest not exceeding six per centum per annum the moneys necessary to carry out such work."

The amendment was adopted. Clause 12 to stand part of the Bill.

Clause 17.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move, Sir, that sub-section (1) be deleted. It will be convenient if I move that there should be inserted instead the words "the redistribution of holdings."

The amendment was adopted. Clause 17 to stand part of the Bill.

Clause 18.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move in sub-section (2) after the words "The Board shall" to insert the word "forthwith."

The Hon. the Commissioner of Lands: Yes, Sir, I agree to that.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Then in sub-section (5), Sir, after the words "The Board shall" insert the words "within one month after the publication of such notice."

The Hon. the Commissioner of Lands: I agree to that, Sir.

These two amendments were adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): With regard to sub-section (5). May I ask if it is intended to insert a definition of the word "property" in the definition clause, and if so what?

The Hon. the Acting Attorney-General: No, Sir, I do not think a definition of "property" is required. Property is a word in its widest sense.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): I have no doubt that is the intention, Sir, and that there is no intention to limit the word to real property. For instance, if a business which may be affected injuriously by a town planning scheme receive compensation?

The Hon. the Acting Attorney-General: If it is something in connection with the land.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I move in sub-section (7) after the words "Every such objection shall" to insert the words "within two months of its lodgment to the Chairman".

The Hon. the Commissioner of Lands: I have no objection to that, Sir.

The amendment was adopted. Clause 18 to stand part of the Bill.

Clause 19.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move, Sir, in sub-section (1) that the words "After consideration of all objections the Board may" be deleted and the following substituted: "Within three months of the consideration of all objections the Board shall . . ."

The Hon. the Commissioner of Lands: I beg to move a slight alteration to that, Sir. The original amendment I agreed to was: "Within three months of the consideration of all objections and modifications necessitated thereby the Board shall . . ."

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have no objection to that, Sir, though I don't know what the words mean.

His Excellency: The question is, that the amendment proposed by the Honourable Commercial Member for Lagos (Mr. R. F. Irving), modified by the Honourable Commissioner of Lands, stand part of the Bill.

The amendment was adopted. Clause 19 to stand part of the Bill.

Clause 23.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move that "three months" be substituted for "twelve months".

The Hon. the Commissioner of Lands: There is no objection to that, Sir.

The amendment was adopted. Clause 23 to stand part of the Bill.

Clause 25.

The Hon. the Commissioner of Lands: I beg to move, Sir, that sub-section (1) be deleted and a clause substituted as follows:—

“(1) After the publication in the Gazette of a notice under section 18 (3) stating that a scheme has been framed no person shall within such area erect any building, lay out any land or use any land except in conformity with the scheme or with such scheme as subsequently modified unless the scheme shall have been abandoned, provided always that the Board may permit the development of estates and building operations to proceed subject to such conditions as may be prescribed.”

This amendment, Sir, is consequent on its having been pointed out to us that as the Bill now stands, on the declaration of a town-planning area, all building would be stopped, and those are rather larger powers than are required. We do not want to stop building until a scheme is actually promulgated, so that people can then see where they are, and build according to the scheme. Until the scheme is promulgated they cannot tell what they should build and what they should not. The Singapore Ordinance does very much the same thing, that is to say, restriction on building does not come into effect until a scheme is actually published.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I am not quite sure, Sir, but I feel that an amendment should possibly be made to sub-section (1). After the words “may be required by” delete the word “a” and insert the words “an approved scheme.” This is possibly just an error because you cannot very well punish people for doing something against the scheme until the scheme has been approved, and there are already sufficient penalties in section 25, sub-section (2)—“Any person who acts in contravention of any of the provisions of this section shall be liable to a fine not exceeding fifty pounds.”

I think in this case an approved scheme is meant.

The Hon. the Commissioner of Lands: I think the Honourable Member must be mixing this section up with compensation, because if a building contravenes a scheme it must come down, and as the owner will be compensated according to the compensation clauses, I think that is all that is necessary. The building must come down in any case.

The Honourable Member withdrew his amendment. Clause 25, as amended to stand part of the Bill.

Clause 32.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert as 32, section 62. That is in order to bring the redistribution of holdings further on in the Bill into a better place in the Bill where schemes are being described.

His Excellency: That is merely an alteration in numbering. There is no objection to that.

The Hon. the Commissioner of Lands: I propose, Sir, throughout to use the old numbers when speaking of any particular section.

The amendment was adopted. Clause 32 as amended to stand part of the Bill.

Clause 33.

The Hon. the Commissioner of Lands: I propose, Sir, to insert 33 as 33.

The amendment was adopted.

Clause 34.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert as section 34 the following:—

“ 34. (1) Upon the notification of approval under section 20 of a scheme which includes a redistribution of holdings or upon such a date as may be declared in the scheme in that behalf the whole of the area subject to redistribution shall vest in the Board free from incumbrances and every estate or interest in the land comprised in such area shall be extinguished.”

“Redistribution scheme and surrender of holdings.”

“ (2) The Board shall make in favour of each person entitled by the scheme to a final holding a fresh grant of the area comprised in such holding. Every such grant shall be made as far as is practicable on the terms and subject to the conditions on which the person to whom it is made held his original holding.”

“ (3) Every person entitled on the date prescribed in sub-section (1) to any estate or interest in an original holding shall be deemed to have acquired a corresponding estate or interest in the final holding substituted therefor by the scheme.”

When the Bill was originally drafted, Sir, we arranged in the old Section 63 for the redistribution of holdings but there is a hiatus there. In all the other Ordinances from which this Bill is taken, there is a similar proposal to the one I have just read out, which defines what happens on notification of a redistribution scheme. The land shall be vested in the Board, and shall be divided up and redistributed in such a way that the interest which the people have in the final holding shall be the same as they had in the original holding.

The amendment was adopted. New clause 34 to stand part of the Bill.

Clause 35.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert section 32 amended as follows:—in sub-section (1) delete for the due execution of the scheme in such area or part thereof. Insert after “intention of” the words “framing and”; delete the provisions of the “and substitute “a” before “part thereof”.

The amendment was adopted. Section 35 as amended to stand part of the Bill.

His Excellency: I suggest that as we have now reached a convenient point, Council should adjourn until 2.30 this afternoon.

Council adjourned at 12.40 p.m.

Council resumed at 2.30 p.m.

Clause 36.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 33 amended as follows: delete the proviso beginning “provided that no compensation shall be paid under this section unless the scheme has been sufficiently carried into effect to affect injuriously the property and unless the claimant or his predecessor in title has lodged a claim as aforesaid.”

The Secretary of State has suggested that it is unnecessary. Then in sub-section (2) delete “publication in the Gazette of an order under section 15” and substitute “of notification of such schemes under section 18 (3).”

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sir, I wish to move an amendment in connection with this part of the Bill, that the heading be deleted and a new heading substituted “Property injuriously affected or increased in value by a Scheme.” That is obviously a clerical error, and I understand the amendment is acceptable to Government. The side note would also of course have to be amended accordingly.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sub-section (3), Your Excellency. I beg to move in the last line to insert after the word "value" the words "a sum equal to." That is just a formal amendment that enables a subsequent section to be put more tersely.

Then add the following words:—

"Provided always that such sum shall not be regarded as a rate, tax, duty, imposition, outgoing or charge imposed or assessed on the property or the owner or occupier thereof within the meaning of any clause in any lease thereof."

That is a very important amendment, and I think people who understaid it, will probably have something to say about it. Your Excellency is aware that in most leases in Lagos there is a clause which puts all rates and taxes on the lessee, and it is usually put very widely so as to cover every possible thing they can think of, and there is usually a phrase something like that I have used here that all rates, taxes, duties, impositions and charges shall be borne by the lessee or tenant. Now according to this amendment, if it is adopted, it would prevent litigation about the meaning of those terms in leases, because obviously there is going to be a difference of opinion between the landlord and the tenant. It would work a hardship on a tenant who has come to the end of a fairly long lease—say it had one month to run—if he had to pay the whole sum in respect of the increase in value, if he is not going to derive any benefit from it. On the other hand I can see the force of property owners saying "it is our lease and it is very wrong of you by subsequent legislation to interfere with the contract we entered into, and if there is any doubt about it, we should leave it to the Courts." On the whole I think it is fairer that the clause should be added, so as to leave no doubt about it. I am not going to press the amendment, Sir, if there is any strong opinion against it.

His Excellency: How is that affected by your definition of "owner" being unacceptable to the Council?

The Hon. the Commissioner of Lands: I think we can accept that, Sir.

The Hon. the Third Lagos Member (Mr. T. A. Doherty): Speaking from the point of view of a landlord, Sir, I don't think this section ought to be amended at all. I know the Honourable Commercial Member for Lagos (Mr. R. F. Irving) has substituted this clause from the point of view of the commercial interests in the town, but I am speaking now from the point of view of the landlord. I have not had a chance to consider the effect of the amendment as proposed by the Honourable Commercial Member for Lagos (Mr. R. F. Irving) and I do not know whether we could leave it over for some time? It is rather sudden.

His Excellency: Has the Honourable Member any objection to the amendment standing over until we have considered other clauses?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): None, Your Excellency.

His Excellency: Very well, we will postpone consideration of that amendment.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move, Sir, to delete the whole of sub-section (4) and substitute the following:—

"Any question as to whether any property is injuriously affected or increased in value and any question as to the amount and manner of payment (whether by instalments or otherwise of the sum which is to be paid as compensation or which the Board is entitled to recover and any question as to the apportionment of such a sum amongst the several interests in such property shall in default of agreement be determined by the Court as hereinafter mentioned."

That is a slight alteration from the wording I have more or less suggested to the Acting Attorney-General.

His Excellency: There is practically no difference from the existing section except in the omission of certain words in the last line. What other difference is there?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): The difficulty is that there is no provision made as to compensation or apportionment on any question arising as to whether any property is injuriously affected.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): It seems to me, Sir, in regard to this amendment and the previous one, that they are made on the supposition that property means "real" property, whereas it is not so strictly in the Ordinance; and again here we are not dealing with owner or lessee, but any person whose property is injuriously affected. The owner and the lessee each have property, the one in fee simple as landlord, and the other as leaseholder, and if either of these is injuriously affected they are each entitled to compensation.

The Hon. the Acting Attorney-General: I agree with what the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) has said, and I have had several discussions with the Honourable Commercial Member for Lagos (Mr. R. F. Irving) and have urged that point of view to him. I have no objection to the words being incorporated if it will satisfy the Honourable Member though I agree with the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) as regards the interpretation of this section. I have no objection to the amendment, Sir.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I should like to say, Sir, that I have left the word "property" here, but I am entirely in agreement with the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) that the word "property" should not properly be used. It is one of those words to which Stroud's Judicial Dictionary devotes six or seven pages to its definition. I think the Board will find it a difficult term, but I have not moved any amendment to its use here.

Sub-section 4 as amended was agreed to.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sub-section (5), Your Excellency. I beg to move in this sub-section to stop at "debt" in the fifth line, delete the words "provided always that such person may, within one month from the decision of the Court as to the amount awarded to the Board in respect of such increase", and substitute a new sub-section (6) as follows:—

"(6) Any person indebted to the Board in any amount as aforesaid may give notice in writing to the Board that he desires that such amount shall remain charged on the property so increased in value, in which case the Board may permit such amount or balance to remain so charged on such terms and conditions as to the future recovery of such amount or balance or outstanding amount thereof and to the payment of interest thereon as it thinks fit."

The Hon. the Commissioner of Lands: I think that is a great improvement, Sir. It will do away with the necessity for a man to go to Court before he can give notice; now he can give notice without going to Court.

Sub-section (5) as amended was agreed to. Clause 36 as amended to stand part of the Bill.

Clause 37.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 34.

The amendment was adopted.

Clause 38.

The Hon. the Commissioner of Lands: I beg to move, Sir, to call clause 35, clause 38, and to insert clause 35 amended as follows:—

"38. (1) The Board may, for the purpose of the execution of the provisions of this Ordinance, or for improving and preserving the amenities of Lagos purchase any land in an area declared under section 15 to be a town planning area by agreement or compulsorily in manner hereinafter provided notwithstanding that such land is not immediately required."

that is to enable the Board to purchase land or to deal in land before a scheme actually exists in any town planning area.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): I do not quite understand what is meant by the Board having power to purchase land which is not required. I don't know what policy there is behind that.

The Hon. the Commissioner of Lands: I can give the Honourable Member an example of what occurred a little time ago. There was a firm who offered to sell to the Government on good terms, a large area of land or to exchange it for another piece of land, in order both to facilitate town planning and also because the firm wished to get rid of it. Government was not able to accept the offer, but it would have been an advantageous one both for the planning of the town and for the firm itself.

Under this clause the Board would be able to meet people, like the firm, and at the same time do such deals in land when the land is available conveniently on the market. This would be better than allowing people to carry on building and then acquiring the land compulsorily afterwards.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): Do I understand that the policy behind this is to give the Board power to acquire land as they think fit without any check?

The Hon. the Commissioner of Lands: No, Sir. It is for a definite purpose—the improvement, and for preserving the amenities of Lagos. I should like to point out that there are powers of acquiring land for public purposes in the Government at the present time, and the powers now asked for the Board are not so wide as the provisions which stand now: this clause is stronger than Cap. 88.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): Do I understand that the Board will acquire land without the approval of the Governor? That places the matter in a different category from the Public Lands Acquisition Ordinance.

The Hon. the Commissioner of Lands: I think the nature of the Board is not understood. The municipalities here can acquire and hold land, but the machinery which the Board will set up is not necessarily part of the machinery of Government. The Board deals with the development of Lagos.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): In dealing with the development of Lagos, it is dealing with Lagos itself. I am not raising any particular objection but I understand that public revenue other than revenue derived from Lagos is to be in the hands of the Board, and I want to know what restriction or check there is going to be if this section is passed; if the Board can buy land which is not required under an approved scheme. We may find the Board coming to Legislative Council having entered into the purchase of lands which are not immediately required for an approved scheme and demanding further money for its approved scheme. It seems to me these are very wide powers to give to the Board.

The Hon. the Commissioner of Lands: The Board will have funds allotted to it, Sir, which it will not be able to exceed. It is to provide a balance sheet showing all expenditure which is checked by auditors appointed by the Board and by the Treasurer of the Colony, and no such system of keeping coming to Government for more money can possibly arise; that is the financial side of the question.

The Hon. the Commercial Member for Calabar (Mr. G. Graham): I am inclined to move an amendment, Sir, to this clause adding a proviso: "provided that no such purchase shall be made by the Board without the approval of the Governor in Council."

The Hon. the Commissioner of Lands: It may meet the Honourable Member if I point out that the section does not come into force until a certain area has been declared a town planning area by the Governor in Council, who has power to restrict such areas as he thinks fit. The Board must do its own work and not throw it on the Governor in Council. The Governor in Council has the control; he approves town planning areas and until he does so the Board cannot act under this clause.

His Excellency: It seems to me that it is putting a lot of work on the Governor in Council which is not called for, and is making them do the work of the Board.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): That is one view, Your Excellency; another is that it is giving tremendous power to the Board.

His Excellency: It is not giving any dangerous power into their hands because it is only in respect of approved town planning areas that they can take action under this clause. We are not giving them a blank cheque to buy buildings except in an approved town planning area. I do not share your fears as to the ability of the Board to deal with this matter.

The Hon. the Second Lagos Member (Mr. E. O. Moore): I think the position is clear, Your Excellency, in view of the Honourable Commissioner of Lands' explanation that an area must be prescribed by the Governor in Council before any purchase can be made by the Board.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): But the purchase has not to be approved. In any town planning area the Board can buy the whole or any part without the approval of the Governor in Council. That is the position as I understand it; of course, I may be wrong.

The Hon. Mr. W. F. Becker: Before the amendment is put to the Committee I should like to be quite clear as to what happens in regard to the finances of the Board. Before the Board can really start work they will have to obtain a sum of money. I presume the Legislative Council will have to vote a lump sum of money towards a working capital?

The Hon. the Commissioner of Lands: I was wondering, Sir, whether it would not be better to consider this question under the financial clauses later on. It rather interrupts our amendment under consideration.

His Excellency: Do you propose to enlarge upon that point later?

The Hon. Mr. W. F. Becker: There are no sections in the actual Ordinance dealing with that point, and I should like to be clear on the matter.

His Excellency: The Commissioner of Lands will be pleased to enlarge upon financial matters afterwards. I will now put the Honourable Commercial Member for Calabar's amendment to the Committee.

The amendment was lost.

The amendment proposed by the Honourable Commissioner of Lands was then put to the Committee and adopted.

The Hon. the Commissioner of Lands: I wish further to amend clause 38, Sir, by the addition of a sub-section (2):—

“The Board may if requested by an owner to whom compensation is payable under this section retain the sum payable for such period as may be agreed upon and while such sum is so retained pay to him interest thereon at the rate of six pounds per centum per annum or such lower rate as may be agreed upon.”

The purpose of that, Sir, is that sometimes a man when he leaves his property and is paid compensation by the Government intends, and everybody else intends him as well, to buy property elsewhere, but if he has the money in hard cash and takes it about with him it very often becomes dissipated, and when a piece of land turns up which is suitable for him, he has no money left to buy it with, and is destitute. We are therefore arranging that the Board will, at his request, keep the money until he has looked around and found something to suit him.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I should like to suggest to the Commissioner of Lands and to the Honourable Attorney-General that the word “person” be inserted here instead of “owner”. I think it will be agreed that it is better to avoid using a term about which there can be any dispute. If the section is allowed to read “If requested by a person to whom compensation is payable” the meaning is the same.

The Hon. the Commissioner of Lands: I don't think we want to keep compensation money which is not in respect of an actual piece of land owned by somebody.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I refer to the compensation payable under this section, which is for the purchase of property. I don't think the Honourable Commissioner of Lands quite understands my point. I am anxious to get rid of the term "owner" whenever it can be got rid of without affecting the terms of the provision.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I think, Sir, no representative of banking or any other persons interested would appreciate this as regards interference in private enterprise.

The Hon. Mr. W. F. Becker: I should like to suggest that this amendment be withdrawn. It seems to me to be an example of grandmotherly legislation which is perfectly unnecessary, and is just encumbering the Ordinance with an unnecessary section which is really no good to anybody.

I suggest that the amendment be not accepted.

His Excellency: Would the Honourable Member like a vote taken?

The Hon. Mr. W. F. Becker: Yes, Your Excellency, I should like a division.

His Excellency: Members may vote as they please on this amendment. I will read the amendment proposed by the Honourable Commissioner of Lands with the alteration of the word "owner" to "person" as suggested by the Honourable Commercial Member for Lagos (Mr. R. F. Irving), which the Government is prepared to accept.

"The Board may, if requested by a person to whom compensation is payable under this section retain the sum payable for such period as may be agreed upon and while such sum is so retained pay to him interest thereon at the rate of six pounds *per centum per annum* or such lower rate as may be agreed upon."

Honourable Members voted as follows:—

FOR—22.

AGAINST—11.

The Hon. the Third Lagos Member.
The Hon. the Commercial Member for Lagos.

The Hon. the Member for the Oyo Division.

The Hon. the Second Lagos Member.
The Hon. the Member for the Colony Division.

The Hon. Lt.-Col. R. H. Rowe.
The Hon. the Director of Agriculture.

The Hon. the Director of Public Works.

The Hon. the Acting Deputy Chief Secretary to the Government.

The Hon. the Acting Secretary, Southern Provinces.

The Hon. the Resident, Abeokuta Province.

The Hon. the Acting Secretary, Northern Provinces.

The Hon. the Senior Resident, Kano Province.

The Hon. the Acting Secretary for Native Affairs.

The Hon. the Administrator.

The Hon. the Director of Marine.

The Hon. the Treasurer.

The Hon. the Acting Director of Medical and Sanitary Service.

The Hon. the Commandant.

The Hon. the Acting Attorney-General.

His Honour the Lieutenant-Governor, Southern Provinces.

The Hon. the Acting Chief Secretary to the Government.

The Hon. the Member for Shipping (Provisional).

The Hon. Mr. W. F. Becker.

The Hon. the Commercial Member for Kano.

The Hon. the Member for the Rivers Division.

The Hon. the Member for the Egba Division.

The Hon. the Commercial Member for Calabar.

The Hon. the Member representing the Niger African Traders.

The Hon. the Member for the Ibo Division.

The Hon. the Mining Member.

The Hon. Mr. G. B. Hebden.

The Hon. the Comptroller of Customs.

His Excellency: Therefore the amendment stands part of the Bill.

Clause 38 as amended to stand part of the Bill.

Clause 39.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 36 as amended by the addition of the words:—

“but without prejudice to any lessees’ or occupiers’ rights in any compensation payable under sections 36 or 44.”

The amendment was adopted.

The Hon. the Commissioner of Lands: I wish, Sir, to omit the words “or for the demolition of any building” in the second line of the section. That is a further amendment to the same section.

The Hon. the Acting Attorney-General: I think there will be a consequential amendment required to that; the words “or building” in line four will have to come out as well.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May we hear what the reason is for omitting these words?

The Hon. the Commissioner of Lands: Because, Sir, “land” includes “building” and there is no reason specifically to acquire land for the demolition of a building.

The amendment was adopted. Clause 39 as amended to stand part of the Bill.

Clause 40.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 37 as clause 40 amended as follows:—add at end of sub-section (1) “but without prejudice to any lessees’ or occupiers’ rights in any compensation payable under sections 36 or 44.”

In sub-section (2) delete “35” insert “38.” At end of sub-section (2) add the words “All leases and rights of occupancy under any tenancy in respect of such land or building which are existing at the time of notification shall be deemed to be terminated if not previously terminated by agreement, at the time of the service of the notice but without prejudice to any lessees’ or occupiers’ rights in any compensation payable under sections 36 or 44.”

The object of that, Sir, is to bring the section into line with other sections.

The amendment was adopted.

The Hon. the Commissioner of Lands: I beg to move, Sir, in sub-section (3) delete “38” and insert “41.”

The amendment was adopted. Clause as amended to stand part of the Bill.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I am sorry, Your Excellency, but I had one or two amendments to section 40, one a most vital amendment. I was trying to follow as best I could.

His Excellency: I have no objection to going back.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): In sub-section (4), Sir, which reads:—

“When any land becomes vested in the Board under the provisions of this section, the Board shall by notice in writing proceed to offer to the owner thereof and to such other persons, if any, as appear to the Board to be interested therein such compensation therefor as the Board thinks fit.”

It seems to me, on the definition of "owner" which we have got, we know he is going to get compensation, but who else? The section says such other persons who appear to the Board to be interested. People who really are interested but who don't appear to the Board to be interested have their rights cut out. I rather think that is a section on which the Acting Attorney-General was prepared to meet me by an amendment.

The Hon. the Acting Attorney-General: I think I suggested to the Honourable Member that the words "as appear to the Board to be interested" should be deleted and "as have an interest therein" be substituted.

My motion would be to delete "as appear to the Board to be interested" and substitute "as have any interest therein."

The amendment was adopted. Clause 40 as amended to stand part of the Bill.

Clause 41.

The Hon. the Commissioner of Lands: I beg, Sir, to move that clause 38 be inserted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I had wished to speak, Sir, on clause 38, but I have been unable to write out my amendments.

His Excellency: Would the Honourable Member like to come back to this section?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I wish to have time, Your Excellency, to prepare certain amendments. I have several important amendments about assessing compensation which I think everybody would be interested in, but I have not had the time to write them out. If I might have the indulgence of a little time to prepare them I should appreciate it very much indeed.

His Excellency: Would until to-morrow morning be sufficient time for the Honourable Member?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Yes, Your Excellency.

His Excellency agreed that sections 38-47 inclusive (old numbering) might be left until the following morning.

Clause 50.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 48.

The amendment was adopted. Clause 50 to stand part of the Bill.

Clause 51.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have an amendment to propose, Sir. Insert as clause 51, clause 49 amended as follows:—

"When any premises injuriously affected by a scheme
 "or required by the Board under this Ordinance are subject to
 "any legal charge by virtue of a document registered under
 "the Land Registration Ordinance, 1924, to secure the pay-
 "ment of any principal money or interest the Board shall pay
 "to the chargee, or, if more than one, to the chargees in the
 "order of their priority, in satisfaction or reduction of any
 "principal or interest so secured, any compensation which
 "under the provisions of this Ordinance is due and payable
 "to the owner of such premises or when such sum is more than
 "sufficient to satisfy the total sum so secured a sufficient
 "portion thereof."

I have deleted the word "re" before "payment" because there are many mortgages which are not mortgages for the repayment of money; there are mortgages to secure clerks for employment. That is just a small point in the amendment.

The Hon. the Commissioner of Lands: That is an improvement, Sir. At present the section only refers to the redistribution of holdings. The amendment also prevents any payment until the scheme is undertaken. I think it is an improvement on the old clause.

The Hon. the Third Lagos Member (Mr. T. A. Doherty): I wish further to amend the amendment by including the words "equitable chargee". So far the section gives only legal chargee and I think the equitable chargee should be included as well. A fraudulent mortgagor may approach the Board and get compensation by telling the Board that he has lost his title deeds, whereas they may be in the possession of the equitable chargee. I think it would be an improvement if these words were included.

His Excellency: If the Honourable Member is pressing for an amendment may I have it in writing?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I say, Sir, that in the paper I handed to Your Excellency, the words are contained in plain English which the Honourable Member desires should be included.

The Hon. the Acting Attorney-General: I regret to say, Sir, that the Government could not possibly accept the amendment proposed by the Honourable Third Lagos Member (Mr. T. A. Doherty). In the first place I do not know how he hopes the Board is to discover the existence of these mortgagees in view of the fact that they are not registered. In the second place, assuming they were to give notice to the Board it would create a departure from the ordinary law with regard to property of mortgagees if any equitable mortgagee by giving notice to the Board could get hold of compensation money. We cannot accept that amendment.

His Excellency: I will put the amendment proposed by the Honourable the Third Member for Lagos (Mr. T. A. Doherty), that the words "equitable chargee" be included.

The amendment was lost.

His Excellency: I will now put the amendment proposed by the Honourable Commercial Member for Lagos (Mr. R. F. Irving).

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sub-section (3) of section 49, (old numbering), Your Excellency:

The Hon. the Acting Attorney-General: I do not want to interrupt the Honourable Member, but perhaps a decision could be taken on sub-section (2) first. At present there is no section 49 (now 51); there is only an amendment.

His Excellency: We have agreed to clause 51, sub-section (1). I now make a suggestion to put the following amendment: 49 (2) becomes 51 (2) as already existing; sub-section (3) as proposed by the Commercial Member for Lagos (Mr. R. F. Irving) to read as follows:

"If there shall be any dispute as to the amount for the time being owing on the security of any charge on premises affected by this section or as to the validity of such charge all sums payable under the provisions of this section shall be held by the Board pending a final decision of the Court thereon on the application of one or other of the parties to such dispute as if such application was made under the provisions of section 43 (1)."

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have a slight amendment to that amendment, Your Excellency. I beg to move that the words "or otherwise" be inserted after the word "charge" in the fourth line. The object of that, Sir, is to cover all possible disputes that may arise in connexion with the payment of compensation. As the amendment stands at present, it only refers to disputes as to validity; there may be for instance disputes as to priority, and my suggestion is to amend the amendment by inserting the words "or otherwise" in the fourth line.

The Hon. the Commissioner of Lands: That amendment is acceptable to me, Sir.

His Excellency: I will put the amendment as finally drafted: Section 49 (3) (b), now 51 (3) (b) to be deleted and the following substituted:—

“ If there shall be any dispute as to the amount for the time being owing on the security of any charge on premises affected by this section or as to the validity of such charge or otherwise all sums payable under the provisions of this section shall be held by the Board pending a final decision of the Court thereon on the application of one or other of the parties to such dispute as if such application was made under the provisions of section 43 (1).”

The amendment was adopted. Clause 51 as amended to stand part of the Bill.

Clause 52.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 50.

The amendment was adopted. Clause 52 as amended to stand part of the Bill.

Clause 53.

The Hon. the Commissioner of Lands: I beg, Sir, to move that clause 51 be inserted:

The amendment was adopted. Clause 53 as amended to stand part of the Bill:

Clause 54.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 52. One or two slight amendments are required here. Insert after 54, (1) in brackets; in sub-section (2) delete “ 51 ” and insert “ 53 ”; in sub-section (3) delete “ 35 ” and substitute “ 38 ”.

The amendment was adopted. Clause 54 as amended to stand part of the Bill.

Clause 55.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 53.

The Hon. the Acting Attorney-General: There appears to be an omission in clause 53 (1) (old numbering). There should be a (2) in brackets after the word “ ordinance ”, followed by the words “ Such order shall ”.

The amendment was adopted. Clause 55 as amended to stand part of the Bill.

Clause 56.

The Hon. the Commissioner of Lands: I beg, Sir, to move that clause 54 be inserted.

The amendment was adopted.

Clause 57.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 55.

The amendment was adopted.

Clause 58.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 56.

The amendment was adopted.

Clause 59.

The Hon. the Commissioner of Lands: I beg, Sir, to move to insert clause 57.

The amendment was adopted.

Clause 60.

The Hon. the Commissioner of Lands: I beg, Sir, to move to insert clause 58.

The amendment was adopted.

Clause 61.

The Hon. the Commissioner of Lands: I beg, Sir, to move to insert clause 59.

The amendment was adopted.

Clause 62.

The Hon. the Commissioner of Lands: I beg, Sir, to move that clause 60 be inserted.

The amendment was adopted.

Clause 63.

The Hon. the Commissioner of Lands: I beg to move, Sir, that clause 61 be inserted.

The amendment was adopted.

The Hon. Mr. W. F. Becker: Before we leave Part IX, Your Excellency, will the Honourable the Commissioner of Lands be good enough to explain how the financial part of the Town Planning Scheme is going to work? A large sum of money obviously will be required at the outset. Is the Council going to vote a quarter of a million, or a million or even £20,000? Is the Board to come frequently to the Council? I should like to know what the proposals are, for there is nothing in the Bill to show how they are going to be framed.

The Hon. the Commissioner of Lands: I do not think the Honourable Member can expect to find questions of policy stated in an Ordinance. The Ordinance is the instrument which is to be used for a specific purpose. At the second reading of the Bill, Sir, it was explained that it was thought likely a sum of £200,000 might be the amount allocated as capital for the Board to work on, but it is quite impossible before the Board comes into existence to say what the Board will do or what reply Government may make to any request of the Board, and I do not think I can go further than I did at the second reading when I explained the funds likely to be required.

The Hon. Mr. W. F. Becker: May I ask, Sir, whether there is any provision in the Bill for the Board to receive any money at all from the Government?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I should like this point explained, Sir, before we leave this part of the Bill. As far as I have been able to see in the Bill there is no provision that the Board is to receive money from any source outside its own sphere of activities.

The Hon. the Acting Attorney-General: I should like to draw the attention of the Honourable Members to section 52 (old 50).

The Hon. the Commissioner of Lands: There are two ways in which the Board may be able to obtain money; one is under the rating provision, which give power to impose a town planning rate, and the other will depend on what sum Government may allot in view of the necessity of clearing up Lagos as a menace to the whole of Nigeria.

The Hon. the Commissioner of Lands: I beg, Sir, to move to delete clause 62 (old numbering) as it has been inserted as clause 32 at the beginning of the Bill.

The amendment was adopted.

The Hon. the Commissioner of Lands: I beg, Sir, to move the deletion of clause 63 (old numbering) as it has been inserted as clause 33 at the beginning of the Bill.

The amendment was adopted.

Clause 65.

The Hon. the Commissioner of Lands: I beg to move, Sir, in sub-section (d) to insert the words "by or" after "made" so that the clause reads "(d) compromise any claim made by or against the Board."

The amendment was adopted. Clause 65 as amended to stand part of the Bill.

Clause 67.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move, Sir, after the word "done" at the beginning of the fourth line, that the words "or any neglect of duty" be inserted. It may make the clause a little clearer.

The amendment was adopted. Clause 67 as amended to stand part of the Bill.

Clause 75.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sir, I would move the insertion of a penalty on anyone who takes down a notice that is affixed by the Board to any building or premises. I beg to move the omission of the words "for obstructing" at the side, leaving just the word "Penalties", and then insert a new sub-section (c) as follows:—

"(c) removes any notice affixed by the Board on any premises."

The amendment was adopted.

The Hon. the Acting Attorney-General: I think, Sir, the wording of this section would be improved if the word "unlawfully" were inserted after "person" in the first line.

The amendment was adopted. Clause 75 as amended to stand part of the Bill.

Schedule.

The Hon. the Commissioner of Lands: I beg to move the omission of "A" after "Form", and to change "section 42" to read "section 45".

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have an amendment to propose to the Schedule, Sir, that instead of the words "Form of Summons" the words "Originating Summons" should be used, as they make the meaning perfectly clear. I don't think the Honourable the Acting Attorney-General will object because that is the term used in the Singapore Improvement Ordinance.

The amendment was adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Your Excellency, when finishing section 78, the last section in the Bill preceding the Schedule, you went too rapidly for me to intimate that I wished to add a section 79 to the Bill.

His Excellency: I will take that later on, when we have finished the Schedule.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I suggest that in the Schedule the words "disputed case" in the fifth line be deleted and the word "matters" inserted, and then the words from "State questions" right down to "attached hereto" be deleted. They give examples of the kind of matters that might arise, and I think it is dangerous to do so.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): At the end of the Schedule, Your Excellency, after the words "This summons was taken out by" I beg to move that the words "the Chairman of the Lagos Development Board" be inserted. This will always be the case, so I think these words should be put in.

The Hon. the Third Lagos Member (Mr. T. A. Doherty): Can the summons not be taken out by any person other than the Chairman of the Development Board?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): The answer is "no" because provision is made for anybody to apply to the Board, and they have a right to ask the Chairman of the Board to take out a summons. The Board naturally wants to keep itself *au fait* with everything that is going on.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): That will come up in the sections reserved for discussion tomorrow.

The Hon. the Acting Attorney-General: It has been correctly stated by the Honourable Commercial Member for Lagos (Mr. R. F. Irving) and the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) that this matter will come up for discussion tomorrow. Section 40 raises that question.

Schedule—Form B.

The Hon. the Commissioner of Lands: I beg to move, Sir, that Form B be omitted altogether.

The amendment was adopted.

His Excellency: Now I think the Honourable Member for Calabar (Mr. G. Graham Paul) has a motion for an amendment.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): The section I propose to add, Sir, is section 79 as follows:—

"Whenever under this Ordinance it is provided that any declaration or order or decision of the Board is to be referred to the Governor in Council the Board by ~~any~~ chosen representative and any party having a contrary interest by himself or his duly authorised agent shall have a right to appear and be heard by the Governor in Council."

I move the addition of this clause, Sir, and I think (though I am not quite sure as I have not had time to look up all the different Ordinances) that in the Singapore Ordinance it is provided that where a question arises between the Board and members of the public, and the matter is referred to the Governor in Council, that both the Board and the members of the public have an opportunity to put in any facts or arguments they may have before the Governor in Council, and I think that might perhaps in many cases avoid litigation in Court.

His Excellency: I think if the Honourable Member has no objection, we will take this particular point tomorrow. It raises rather a novel point in the constitution of the Bill.

We still have sections 38-46 (old numbering) and one section held over at the request of the Third Lagos Member (Mr. T. A. Doherty) outstanding. I suggest these might be held over until tomorrow morning. Council will meet at 10 o'clock.

Council adjourned at 4.15 p.m.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Wednesday, 28th November, 1928.

Pursuant to notice, the Honourable the Members of
the Legislative Council met at the Council Chamber
at 10 A.M. this day.

PRESENT :—

- The Officer Administering the Government,
His Excellency Sir Frank Baddeley, Kt., C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable Mr. D. Kingdon, K.C.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major U. F. H. Ruxton, C.M.G.
- The Acting Attorney-General,
The Honourable Mr. J. C. Howard,
- The Commanant,
The Honourable Col. W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. G. J. Pirie.
- The Treasurer,
The Honourable Mr. C. W. Leese.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Administrator,
The Honourable Major W. Birrell-Gray.
- The Acting Secretary for Native Affairs,
The Honourable Mr. W. Morgan.
- The Senior Resident, Kano Province,
The Honourable Mr. C. W. Alexander, C.M.G.
- The Acting Secretary, Northern Provinces,
The Honourable Mr. H. H. Middleton.
- The Resident, Abeokuta Province,
The Honourable Mr. F. B. Adams.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. W. E. Hunt.
- The Acting Deputy Chief Secretary,
The Honourable Mr. K. L. Hall.

- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, 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 Commissioner of Lands,
The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.
- The Acting Postmaster-General,
The Honourable Mr. G. B. Hebden.
- The Member of the Colony Division,
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Member for the Iba 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 the Egba Division,
The Honourable Mr. S. H. Pearse,
- The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Commercial Member for Kano,
The Honourable Mr. J. W. Speer.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Third Lagos Member,
The Honourable Mr. T. A. Doherty,
The Honourable Mr. W. F. Becker, O.B.E. (Extraordinary).
- The Member for Shipping, (Provisional)
The Honourable Mr. F. Bateman Jones.

ABSENT.

- The Lieutenant-Governor, Northern Provinces,
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Senior Resident, Yola Province,
The Honourable Mr. G. S. Browne.
- The Senior Resident, Plateau Province,
The Honourable Captain P. Lonsdale,
- The Senior Resident, Zaria Province,
The Honourable Mr. E. H. Laing.
- The Resident, Ijebu Province,
The Honourable Mr. P. A. Talbot.
- The Resident, Benin Province,
The Honourable Captain W. H. Cooke.
- The Resident, Bauchi Province,
The Honourable Mr. C. A. Woodhouse.
- The Resident, Ilorin Province,
The Honourable Mr. H. Hermon-Hodge.
- The Resident, Benue Province,
The Honourable Mr. G. L. Monk.
- The First Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.
- The Mining Member,
The Honourable Mr. A. L. Butler.
- The Member for the Warri-Benin Division,
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,
The Honourable Mr. C. W. Clinton.
- The Banking Member,
The Honourable Mr. L. M. Herapath.
- The Commercial Member for Port Harcourt,
The Honourable Mr. L. White.

His Excellency: We will resume consideration of a proposed new section 79.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have moved as an amendment, Sir, the addition of a new clause. I do not know whether you wish me to repeat it? I have not a copy of it here.

The Hon. the Acting Attorney-General: In order to refresh the memories of Honourable Members, Sir, I think it would be as well if I read the amendment out.

The Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) proposes to add an additional section to the Ordinance, which I may say is already overloaded, as follows:—

“Section 79. Whenever under this Ordinance it is provided that any declaration or order or decision of the Board is to be referred to the Governor in Council the Board by its chosen representative and any party having a contrary interest by himself or his duly authorised agent shall have a right to appear and be heard by the Governor in Council.”

I cannot think, Sir, that the Honourable Member who proposed this amendment has given the consideration that he normally gives to amendments when putting them for serious consideration before this Council. I think it is probably merely a lapse on his part, but I do not know whether he has considered the practical effect of the amendment. What it would mean is this, that under sections 9, 15, 19, 22 and 31 people could make appeals to His Excellency in Council and claim the right to appear before His Excellency in Council either by themselves or with an advocate. His Excellency is already hardworked, and service on the Executive Council, as the Honourable Member knows, takes up a lot of the members' time, and if every person who is dissatisfied with some decision of the Board could appear before the Executive Council and argue his case, I think we should have to have several Executive Councils and Deputy Governors as well. It seems to me, particularly under section 19, one would have to have a new Court House for the hearing of these appeals considering the number of people who might appear to raise objections to some decision of the Board, and the numerous advocates they would employ.

A further objection is this. It raises a very grave constitutional issue as to the position of the Governor in a Colony like this. It confers by law the right of audience on the Governor which nobody has at present, and that is making a grave constitutional departure which the Government could not accept for one moment. I do not know whether the Honourable Member has considered the matter from that aspect. What the Honourable Member will say I have no doubt is this, that the provision appears in the Singapore Ordinance, but I do not suppose that the Governor in Council is as hardworked in Singapore as he is here. That is a mature Colony and is not in the early stages of development as is Nigeria. With regard to the other point, I do not know whether the constitutional issue was present to the mind of the Governor of the Straits Settlements and his legal advisers when the provision was accepted.

All I can assure the Honourable Member is this, that the question is very much in the minds of the Government of Nigeria at the moment, but I regret very much that this is an amendment we could not possibly accept.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I appreciate very fully, Sir, the force of what the Honourable Attorney-General says about the effect of this amendment as regards the busyness of the Governor in Council, but it was the Government and not myself who were responsible for thrusting upon the Governor in Council what after all is not under this Bill an executive function at all, but is a judicial function, and if the Government in the Bills which they have brought forward thrust upon the Executive Council functions which more properly belong to a judicial court, I think it is they who should consider the effect in overworking the Executive Council. It is admitted that the Board may be wrong in rejecting an objection to a scheme, otherwise why is it that there is anything in the nature of an appeal to another tribunal at all, and having admitted that the Board may

be wrong in rejecting an objection, and having admitted the necessity of giving an appeal to another tribunal, I submit that in all fairness the objector ought to have an opportunity of putting before the Governor in Council the reasons and the grounds on which he thinks that the Board is wrong. I quite agree that it would have been more dignified and more practical and much better altogether if, throughout the Bill, instead of the words "Governor in Council" some judicial body had been substituted. I quite agree that this is not the sort of thing that the Governor in Council ought to be asked to do, but if they are going to consider everything referred to them under this Bill by the Board, it seems to me that the busyness of the Governor in Council is already increased, but why the logical effect should be that these provisions could not be carried out, I am at a loss to understand. Accordingly, Sir, I cannot see my way to withdraw the amendment, which after all cannot involve a very serious constitutional issue seeing it already appears in the Ordinance on which this Bill is largely based, namely the Singapore Ordinance which was passed in 1927 and has received the approval of the Secretary of State for the Colonies. We are asked to assume that they know nothing about these things in Singapore, and that they know nothing about them in Downing Street, and that they are not so busy in Singapore as we are here, but I am without any evidence in support of these claims.

His Excellency: The following amendment has been moved by the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul):—

To add: "Section 79. Whenever under this Ordinance it is provided that any declaration or order or decision of the Board is to be referred to the Governor in Council the Board by its chosen representative and any party having a contrary interest by himself or his duly authorised agent shall have a right to appear and be heard by the Governor in Council."

We will take a division on the amendment.

Honourable Members voted as follows:—

FOR 11.

The Hon. the Member for Shipping (Provisional).
The Hon. the Third Lagos Member.
The Hon. the Commercial Member for Kano.
The Hon. the Member for the Oyo Division.
The Hon. the Member for Rivers Division.
The Hon. the Member for the Egba 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.

AGAINST 20.

The Hon. Mr. G. B. Oaden.
The Hon. Lt.-Col. R. H. Rowe.
The Hon. the Director of Agriculture.
The Hon. the Director of Public Works.
The Hon. the General Manager of the Railway.
The Hon. the Acting Deputy Chief Secretary.
The Hon. the Acting Secretary, Southern Provinces.
The Hon. the Resident, Abeokuta Province.
The Hon. the Acting Secretary, Northern Provinces.
The Hon. the Senior Resident, Kano Province.
The Hon. the Acting Secretary for Native Affairs.
The Hon. the Administrator.
The Hon. the Comptroller of Customs.
The Hon. the Director of Marine.
The Hon. the Treasurer.
The Hon. the Director of Medical and Sanitary Service.
The Hon. the Commandant.
The Hon. the Acting Attorney-General.
His Honour the Lieutenant-Governor, Southern Provinces.
The Hon. the Acting Chief Secretary to the Government.

His Excellency: The amendment is therefore lost.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I at this stage, Sir, move the addition of a new clause 79? It is a very brief one to the effect that the Board may, with the consent of the Governor in Council, waive any time limit imposed on any person under the provisions of this Ordinance.

(After consulting with the Honourable the Acting Attorney-General, the Honourable Member continued):

After consultation with the Honourable Attorney-General, Sir, I beg to be allowed slightly to alter the wording to read:—

“The Governor in Council may in any special case waive any time limit imposed under the provisions of this Ordinance.”

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Do I understand that applies to the time notices which have to be given by the Board; that they may be shortened even where it says “fourteen days” or “one month” must be given?

The Hon. the Acting Attorney-General: It is a discretionary power given to the Governor in Council.

The amendment was adopted: Section 79 to stand part of the Bill.

His Excellency: I think there is an amendment before the Committee to which the Honourable Third Lagos Member (Mr. T. A. Doherty) objects. Clause 36 (old numbering 33).

The Hon. the Third Lagos Member (Mr. T. A. Doherty): Your Excellency, the amendment which was put before the House by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) should not, I think, come into the provisions of the Bill, for I think it raises a greater issue than the Honourable Member contemplates. What the amendment really amounts to is that in questions where, according to the provisions of this Bill, a sum equal to half of the amount of the increase in the value of the property is payable, it should not affect the lease at all. If I do not mistake, in consequence of the town planning if a property becomes highly increased in value, the owner is to pay all the impositions whilst the tenant who may be the person to derive the benefit, pays nothing. I think that should be left to be determined by the parties on terms contained in the existing lease, or if the parties cannot agree let them go to the Court and let the Court decide. If the amendment is passed, the House will have to consider what will happen in cases of properties injuriously affected; the persons who are responsible under the terms of the tenancy then will say; “I give up your premises, I do not want them again.” If the House legislates in cases of appreciation, it should also legislate in cases of depreciation, and I think the adoption of this amendment will involve many more questions than the House contemplates. Therefore this question should be left absolutely to be arranged between the landlord and the tenant, and where they cannot agree, the only possible way to get a further decision is to make application to the Court to determine the question.

The Hon. the Second Lagos Member (Mr. E. O. Moore): Your Excellency, I do not propose to make a speech, but I should like to say this, that I am opposed to the amendment moved by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) and I do so for this reason. I think it is unnecessary; the rule cognate in a lease requires lessees to pay rates, taxes and other charges, but such a payment as this was never contemplated, and I think it will create unnecessary difficulties if we are to impose a proviso like this in this Ordinance. It is possible that there are cases where the parties contemplated that such an imposition as this should be paid by the lessee; if that is so, Sir, I do not think it is within the province of the Legislature—of this Council—to say that the existing lease or the cognate in the existing lease should be void and non-effective. I do not know whether the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) has seriously considered this amendment, but it seems to me that it is a matter which should be left for judicial interpretation, rather than an attempt by this Council to introduce such a provision.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sir, I am quite convinced by the arguments put forward by the Honourable the Second and Third Lagos Members (Mr. E. O. Moore and Mr. T. A. Doherty), and I should like to withdraw that part of my amendment.

Amendment by agreement withdrawn.

Clause 41.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 38.

Amendment adopted.

Clause 42.

The Hon. the Commissioner of Lands: I beg to move, Sir, to insert clause 39 amended as follows:—Delete 37 (4) and substitute 40 (4).

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg to move, Sir, that clause 42 be a sub-section (1) and to add a further sub-section as follows:—

“ Clause 42, sub-section (2). If an objection is lodged within the prescribed time any question as to the amount of the compensation payable in respect of the land acquired and any question as to the apportionment of such compensation among the persons having an interest in the land shall in default of agreement be determined by the Court hereinafter mentioned.”

The effect of this section is merely to bring it into line with the provisions as to property injuriously affected. You come to a point where you say this amount shall be determined by the Court and the apportionment of the amount.

The amendment was adopted. Clause 39 to stand part of the Bill.

Clause 43.

The Hon. the Commissioner of Lands: I beg to move, Sir, that clause 40 be inserted here.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have to move an amendment to that section, Your Excellency, and to the other sections following upon it relating to reference of matters to the Court.

I wish to make it clear at the outset that I am not questioning that these are drafted in the ordinary regular way, but I do think by a little change we can make them much more easily understood by the ordinary lay man and particularly by people who though literate, are not very literate. It seemed to me when I read them, and I think Members who read them as they stand will agree, that these sections by containing references to other sections, are difficult for the lay man to understand, and my suggestion is as to section 43, to delete the whole and substitute the following:—

“ Any person interested in a matter that may be referred to the Court for determination under this Ordinance may by written application to the Board require that the matter be so referred.”

I submit that that makes it very much clearer.

The Hon. the Commissioner of Lands: That is instead of sub-section (1)?

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

The Hon. the Commissioner of Lands: Would it not be necessary to add at the end “ and on receipt of such application the Board shall refer the matter as required ?”

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Yes. I think that is indicated.

His Excellency: The amendment suggested is as follows:—That section 43, sub-section (1) be deleted, and a new sub-section inserted as follows:—

“ Any person interested in a matter that may be referred to the Court for determination under this Ordinance may by written application to the Board require that the matter be so referred and on receipt of such application the Board shall refer the matter as required.”

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sub-section (2) Your Excellency. I move the deletion of this section, and a new section inserted as follows:—

“(2) Every such application shall be made within one month after the Board shall have made known in writing to the person interested its final decision, and shall state the grounds on which it is based.”

The amendment was adopted. Clause 43 to stand part of the Bill.

Clause 44.

The Hon. the Commissioner of Lands: I beg to insert clause 41, Sir.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have to move, Sir, that this clause be deleted and the following substituted:—

“The Court shall have jurisdiction to hear and determine all matters referred to it under this Ordinance hereinbefore mentioned and any other matter submitted for its decision by the Chairman of the Board.”

The Hon. the Acting Chief Secretary to the Government:— Before we pass this amendment, Sir, I take it that the Honourable Member has satisfied himself that there are no matters hereinafter mentioned?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Yes, Sir, I have.

The amendment was adopted. Clause 44 to stand part of the Bill.

Clause 45.

The Hon. the Commissioner of Lands: I beg to move, Sir, that clause 42 be inserted.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have to move, Sir, that the words “disputed cases” be deleted and the word “matters” used; for the words “a summons” the words “an originating summons” be substituted; this is to bring the section into line with my other amendments.

The Hon. the Acting Attorney-General: The only other point, Sir, is that the word “A” following “Form” wants to be deleted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have a further amendment to make to this section, Sir, by adding to the end of the section the following words:—

“Provided that on the application of any party interested the Chairman shall take out such summons forthwith in the terms required by such interested party.”

The Hon. the Acting Attorney-General: I think that amendment is really unnecessary. We have already put the onus on the Chairman to refer disputed cases to the Court; now we are putting it in again.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I think this section is more general than section 40 (old numbering).

The Hon. the Acting Attorney-General: The point, Sir, I think, is that the Chairman refers it to the Court by taking out a summons; now you are putting it in twice over. The only way to refer the matter to the Court is by taking out a summons.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): But if a party interested wishes a matter submitted to the Court he is entirely in the hands of the Chairman of the Board whether he will issue a summons or not.

The Hon. the Acting Chief Secretary to the Government:—The Honourable Member has not the recent amendments before him in writing. If I read them out to him I think he will agree that that is provided for.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Yes, Sir, I think the section as amended does provide. I withdraw my amendment.

His Excellency: I will now read the section as amended by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving):—

“All matters shall be heard and determined by the Court upon an originating summons in the form in the schedule taken out by the Chairman of the Board.”

The amendment was adopted. Clause 45 to stand part of the Bill.

Clause 46.

The Hon. the Commissioner of Lands: I beg, Sir, to insert clause 43.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I propose, Sir, that the words “persons interested in a disputed case” be deleted and “party” substituted. Then delete from the words “and determining” down to “as the case may be.”

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I am not certain I am in agreement with the amendment proposed.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I think it is quite clear.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): It seems to me you make a person an interested party by serving a summons on him and I don't see why such a person should be charged fees.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): The point, Sir, is that the schedule proposes to insert the names of all parties interested in questions to be decided. There can therefore be no ambiguity as to what the word “party” means.

The amendment was adopted. Clause 46 as amended to stand part of the Bill.

Clause 47.

The Hon. the Commissioner of Lands: I beg, Sir, to insert clause 44.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have to move, Sir, as an amendment that the words “the owner or any person claiming to be the owner or to represent the owner of such lands or to possess or represent the possessor of any interest therein” be deleted, and “a party” substituted. Further that after the word “Board” the words “and other parties” be inserted.

The amendment was adopted. Clause 47 as amended to stand part of the Bill.

Clause 48.

The Hon. the Commissioner of Lands: I move, Sir, to insert clause 45.

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have to move that sub-sections 2 and 3 be deleted and a new sub-section 2 inserted as follows:—

“(2) An appeal shall lie from the decision of a judge according to the provisions of the Supreme Court Ordinance.”

That is to make it clear that there is a right of appeal. It was probably clear enough, but I wish to make it absolutely clear.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have another amendment to make, Sir, which is consistent with this amendment. I move as an amendment to the proposed amendment to delete section 45, re-number it 48 and substitute the following:—

“The Court shall hear and determine all matters herein as if the proceedings had been commenced in the ordinary way by a civil summons issued under the Supreme Court Ordinance and rules which shall govern all matters of procedure.”

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): If that is thought to be clearer, as far as I am concerned, I have no objection though naturally I should prefer my own amendment.

The Hon. the Acting Chief Secretary to the Government:— Does the Honourable Member propose that as a substitute for the whole section?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, Sir. What I feel about it is that there is a very full course of procedure in the Supreme Court and I do not see why that should not be applicable here.

After a short consultation with the Honourable the Acting Attorney-General and the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) continued:

May I be permitted, Sir, to alter my motion as follows: that section 45, re-numbered 48 read:—

“Sub-section (1); upon the hearing of any matter before the Court the Board may appear by one of its officers or by a legal practitioner.”

Then delete the other words which appear in sub-section (1) as unnecessary and substitute for sub-section (2) the following:—

“The Court shall hear and determine all matters herein as if the proceedings had been commenced in the ordinary way by a civil summons issued under the Supreme Court Ordinance and Rules which shall govern all matters of procedure.”

The amendment was adopted. Clause 48 as amended to stand part of the Bill.

Clause 49.

The Hon. the Commissioner of Lands: I beg to move, Sir, that clause 46 be inserted amended as follows:—In (1) (b) delete the words “in contravention of the provisions of section 25 (1)” and substitute “after the publication of the scheme in accordance with the provisions of section 18.” This is an amendment which has been suggested by the Honourable Commercial Member for Lagos (Mr. R. F. Irving).

His Excellency: I understand that the Honourable Commercial Member for Lagos (Mr. R. F. Irving) wishes to delete the whole section. I think we had better postpone the Commissioner of Lands' amendment and take the opinion of the Committee as to whether that should be done.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I realise, Your Excellency, that it is very difficult for Members to follow the proposed amendments in this section. I have had some copies made and I made arrangements to get some others, but they have not come yet. I think there is no alternative, however, but to go on.

His Excellency: I think if you will explain your amendments, Honourable Members will understand.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): May I say, Your Excellency, that there is a slight typing error in the copy I have got here. In the sixth line after the word "seller," the words "as an" should be inserted; and in the next line the word "owner" should be deleted, as that also is a typing error.

Your Excellency will understand that I am moving the deletion of the whole of clause 46 (now 49), both sub-sections, and I am asking to substitute one section as follows:—

"Whenever the compensation payable in respect of any lands or interests therein taken or proposed to be taken compulsorily in pursuance of this Ordinance falls to be determined by the Court, the Court shall assess the compensation at the fair market value thereof if offered for sale by a willing seller as an estate in fee simple free from incumbrances and leases or other rights in the same immediately before the scheme was published in accordance with section 18."

Although it sounds rather complicated it really amounts to this, that I want to make it plain that when a property is compulsorily acquired the amount the owner and other people interested in that property should get in all (because it would be divided among them in certain cases), that is to say, what the Board should pay no matter to whom it is to go, is the amount the property would fetch if offered for sale by a willing seller, free from all incumbrances and leases—absolutely unencumbered in any way—immediately before the publication of the scheme under section 18. The Court would have to determine as best as it could what price the property would fetch at the date on which it was offered for sale by a willing seller. I think that will remove a great deal of misapprehension. Of course everybody agrees that what the Board should pay and how it should be divided among people who have an interest in the land, is another question altogether. My substituted clause goes on as follows:—

"Provided always that the Court shall—

"(a) make an additional allowance in respect of the compulsory purchase of the premises."

I do not suppose that is absolutely necessary because everybody agrees that the Board could not be asked to make any allowance in respect of compulsory purchase. Then the proviso continues:

"(b) deduct from the said market value such part thereof as may arise from a contravention of section 25 (1)."

I am as far as possible following the original section:

"(c) deduct from the said market value the proportion thereof due to the premises being increased in value by a public street projected under the scheme."

"(d) add to the said market value such sum as represents the decrease in value due to the premises being affected in value by a public street projected under the scheme."

(c) and (d) really go together; one is the converse of the other. The (d) which the Honourable Commissioner of Lands intends to give us is:—

"(d) where part only of premises is taken add an allowance in respect of the depreciation in value of the remainder consequent on the severance."

Finally—

"(e) add any additional allowance that in the special circumstances (if any) the Court deems just."

My first object, as I have already said, is that there should be no ambiguity whatever as to what the Board is to pay when it compulsorily acquires property. It is to pay the market value at the fixed date if that property was sold by a willing seller, and the subsequent additions or allowances as the case may be are merely ancillary to that, and my suggested amendment does give effect, perhaps in a slightly different form, to the sub-sub-sections (a), (b), (c), and (d) of the original clause. The only new matter is power to the Court to allow any additional sum which it deems just in view of the special circumstances of any particular case.

After a short informal discussion, the Honourable Commercial Member for Lagos (Mr. R. F. Irving) continued:—

Sir, after consultation with some of my colleagues, more versed in this matter than some of us, I am prepared to withdraw my amendment so far as the deletion of sub-section (1) goes.

His Excellency: You have no objection to sub-section (1) as printed subject to the amendments the Honourable Commissioner of Lands is going to propose?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): No, Your Excellency.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have a small verbal amendment, Sir, that whenever the words "lands" or "property" occur, the word "premises" should be inserted. The word "premises" is one that is defined in clause 2, but which, so far as I can see has been hardly used. "Premises" means and includes messuages, buildings, lands, tenements and hereditaments and I think that is quite wide enough to cover anything here. Accordingly I move that "premises" should be substituted for "lands" or "property" whenever these words occur.

The Hon. the Acting Chief Secretary to the Government:— Are you proposing to include the words "or building"?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I don't think I could include "building."

The Hon. the Acting Attorney-General: I think with all respect to the Honourable Member he would be well advised to leave this as it is. Is he satisfied that "premises" would include, for instance, compensation in respect of "right of way"?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): As it stands now the clause begins "whenever the compensation . . ."

The Hon. the Acting Attorney-General: I do not think you can have anything wider than that.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): There is nothing said about "building."

The Hon. the Acting Attorney-General: But "land" includes "building."

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, Sir, that is so. I withdraw my amendment.

His Excellency: Has the Commissioner of Lands any amendments to sub-section (1)?

The Hon. the Commissioner of Lands: To insert clause 46 as 49, Sir. The other amendments I have handed up to you.

His Excellency: I will now read the amendments proposed to this section:—

Substitute 49 for 46. Then sub-sub-section (1) (b) delete the words "in contravention of the provisions of section 25 (1)" and substitute "after the publication of the scheme in accordance with the provisions of section 18." In sub-sub-section (d) delete the word "any" and substitute "such," and then add a new sub-sub-section (e) as follows:—" (1) (e) When part only of land is taken award additional compensation in respect of the depreciation of the remainder consequent on the severance."

The Hon. the Second Lagos Member (Mr. E. O. Moore): I move an amendment, Sir, that sub-sub-section (d) be deleted. Two years is rather a long time, Sir, and it seems to me rather hard if a person erects a building *bona fide* two years before the scheme of town planning is formulated, and the increase in value is to be disregarded. I think all that is required is covered by sub-sub-section (a), therefore I move the deletion of sub-sub-section (d).

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I move an amendment to that amendment which I think might be more acceptable? By substituting the word "where" for the word "unless" in line 4 of the sub-section, delete the words *bona fide* and the words "in the interests of the owner" at the end of line 5 and delete "not" in line 6. It would have the effect that the section would provide for improvements made *malá fide*, in other words changing the onus on to the other side.

After consultation with the Honourable the Acting Attorney-General, the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) withdrew his amendment.

The Hon. the Acting Attorney-General: I beg to move, Sir, that the words in section 49 (1) (d) "unless it is proved that the improvement was made *bona fide* and not in contemplation of proceedings for the acquisition of the land being taken under this Ordinance" be deleted and the following substituted:—

"if it is proved to the satisfaction of the Court that the improvement was made in contemplation of proceedings for the acquisition of the land being taken under this Ordinance."

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Sir, I have to move the deletion of sub-section (2) to clause 49. My submission is that that provision is absolutely unnecessary and tends to confuse people. For instance take one of the cases supposed to be provided for: it says "(b) that the house or premises are in such a condition as to be a nuisance within the meaning of the Public Health Ordinance, or are in a state of defective sanitation, or are not in reasonably good repair." That is already provided for; if they are in such a condition as to be a nuisance or are in a state of defective sanitation or are not in reasonably good repair, their market value is obviously going to be so much less than the corresponding premises which are in good repair and are not a nuisance. Similarly if houses are unfit and are not reasonably capable of being made fit for human habitation, obviously the market value of those premises is not going to be the same as corresponding premises where the buildings are fit or reasonably capable of being made fit for human habitation. My submission is that the provisions are unnecessary and tend to confuse and to raise suspicion in the minds of a great number of illiterate natives when they are explained to them. That is the principle on which I submit that section (2) should be deleted for it is already provided for in other sections. You are going to have a definite ruling that property should be assessed by its rental value and so I think these provisions are wrong. Everyone in Lagos who is intimate with the position knows that in many cases in valuing a property, the rent is almost ignored. The rental has very little bearing on the value in a great many cases, and I therefore submit that the clause be deleted as unnecessary and as tending to confusion and suspicion.

The Hon. the Second Lagos Member (Mr. E. O. Moore): I desire to associate myself with the Honourable the Commercial Member for Lagos (Mr. R. F. Irving). I think it would greatly improve the Bill if this section were deleted. We want to simplify the Bill as much as possible.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I certainly associate myself with what has been said by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) and I support in the deletion of sub-section (2) and quite another ground and that is in questions as to the amount of compensation to be awarded definite instructions are given to the Supreme Court. I do not think it is for this Council to dictate to the Supreme Court what evidence is relevant and admissible to decide that question. It seems to me that this is a most improper section to appear in this Bill. It tells the Court or tries to tell the Court what evidence is to be receivable by the Supreme Court of Nigeria, and not only that, but what judgment the Supreme Court is to give in such a case. The Honourable the Acting Attorney-General is very jealous for his prerogative, but I think members of the Bar

who are officers of the Court are just as inclined to be jealous of the prerogative of the judicial, and surely if an issue is to be decided by the judicial it is the judicial which is to say what evidence is relevant.

The Hon. the Acting Attorney-General: I leave it to the mover of this Bill, the Honourable Commissioner of Lands to deal with the question as to whether these clauses are actually required in this Bill. With regard to the further point as to the impropriety of putting in as one of the clauses of the Bill the method by which compensation is to be assessed by the Court, I must say I cannot agree with the Honourable Commercial Member for Calabar (Mr. G. Graham Paul). In all these Acts for the last half century providing for the assessment of compensation in respect of acquisition of property, the compensation in regard to property injuriously affected, there have been provisions of this nature, which lay down how the compensation is to be assessed and what evidence can be receivable, and I see nothing improper in this. Not only in this Act but in several Acts of Parliament it is plainly stated what evidence is receivable by a Court. I can only refer to the Indian Evidence Act which is a Code providing what evidence is receivable by a Court.

The Hon. the Commissioner of Lands: I should like to emphasise, Sir, what the Honourable Attorney-General has said that these are not clauses specially designed for Lagos only. They have been found in other Ordinances for many years. It is not something specially invented or to be taken as laying down conditions which are improper to insert in any Bill, because they are already in other Bills. You have only to refer to the English and Calcutta Ordinances for evidence as regards the general question of inserting these clauses.

These people who are going to get less compensation than they would do if these clauses were omitted, are people who have been abusing their ownership of land for some time and have already offended against the Public Health Ordinance and against all the rules of health. They are doing a great deal of damage to the community and they are the chief offenders among the people who are making Lagos into the state it is to-day. It seems absurd that not only should they be allowed to break the laws and make money out of it—if the rentals are so high they have been making money unlawfully, to the detriment also of the health of the community—but to suggest on top of that, after having been allowed to do that for some years, they should also be compensated with an extra amount is, I maintain, more than any Member of the Council can reasonably be expected to agree. Such compensation is to be additional; that does not seem to be perfectly clear, because the Honourable Member who moved that the clause be deleted said his objection was on the ground that it was already provided for in the Ordinance and no difference was brought about by the insertion of this clause. If so, we might just as well leave it in; I see no reason for deleting it except, as he said, it might arouse a little suspicion. I think that argument should be put in the balance against the fact that a large amount of the money of the Government, that is to say part of the revenue of Nigeria, is going to be used in paying compensation to people who have already illegally made money by using land for the purpose of overcrowding in insanitary dwellings; I say this is not justice and already there are penalties in the Public Health Ordinance and Insanitary Buildings Ordinance which would have been enforced if Lagos were not in such a bad state—and this is largely owing to their offences. I have heard no argument to refute that on any grounds other than that these clauses might create a little suspicion, and I don't think we should take them out just for that reason.

Supposing we had an arbitrator, as we had originally in the Bill, to assess compensation, I agree with the Honourable Member, who suggested that this sub-section be deleted, that certain differences arise in connection with commercial transactions, with which an arbitrator might have a certain amount to do in private business, and knowledge of his conduct of business as an arbitrator. I have no doubt that these things are taken into consideration by anyone who has a commercial knowledge of Lagos, but this is a different matter. These questions are now to go to the Court, but the judges are not dealing every day with questions of land and property. In any case prevention is better than cure,

and I am assured by the Honourable the Attorney-General that such evidence as high rents would be bound to be taken into consideration, although in any purchase of land or property, questions of rents are apart, and are not taken into consideration. When any question of compensation comes up to the Court, evidence will certainly be admissible that the rents are exceptionally high. Therefore it seems to me on every ground, and especially as we are in the case of town planning, going to expend the funds of Nigeria on paying people who have already made money out of Lagos to the detriment of the health of the public, that these clauses should be retained as they stand. (Applause.)

The Hon. the Commercial Member for Lagos (Mr. R. F. Irvin): I am afraid, Sir, that I shall have to press the amendment as I regard it as a very important one and I shall have to press it to a division. It seems to me that by putting in this clause, people have lost sight of what it really means. This Bill is a Bill for the town planning of Lagos, and it should not contain provisions penalising people for having allowed their property to get into a state of disrepair, and such like things which could have been dealt with in another Ordinance. It has not, however, been thought necessary to penalise these people, but now it is sought to penalise them here, that is to say if the Commissioner of Lands is content in thinking that by paying them less he is of course penalising them. The main point I make is that he does not really get off the payment of a single penny in virtue of these provisions, and I maintain they should be deleted.

His Excellency: I desire to say this, that the Commissioner of Lands is correct in his interpretation of the Government's view at this point.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irvin): I should like a division, Sir, as I regard it as very important.

His Excellency: Very well, we will take a vote on the motion of the Honourable Commercial Member for Lagos (Mr. R. F. Irvin) that section 49 (2) be deleted.

Honourable Members voted as follows:—

FOR—12.	AGAINST—20.
The Hon. Mr. W. F. Becker.	The Hon. Mr. G. B. Hebden.
The Hon. the Third Lagos Member.	The Hon. Lt.-Col. R. H. Rowe.
The Hon. the Commercial Member for Lagos.	The Hon. the Director of Agriculture.
The Hon. the Commercial Member for Kano.	The Hon. the Director of Public Works.
The Hon. the Member for the Oyo Division.	The Hon. the General Manager of the Railway.
The Hon. the Member for the Rivers Division.	The Hon. the Acting Deputy Chief Secretary.
The Hon. the Member for the Egba Division.	The Hon. the Acting Secretary, Southern Provinces.
The Hon. the Commercial Member for Calabar.	The Hon. the Resident, Abeokata Province.
The Hon. the Member representing the Niger African Traders.	The Hon. the Acting Secretary, Northern Provinces.
The Hon. the Second Lagos Member.	The Hon. the Senior Resident, Kano Province.
The Hon. the Member for the Ibo Division.	The Hon. the Acting Secretary for Native Affairs.
The Hon. the Member for the Colony Division.	The Hon. the Administrator.
	The Hon. the Comptroller of Customs.
	The Hon. the Director of Marine.
	The Hon. the Treasurer.
	The Hon. the Acting Director of Medical and Sanitary Service.
	The Hon. the Commandant.
	The Hon. the Acting Attorney-General.
	His Honour the Lieutenant-Governor, Southern Provinces.
	The Hon. the Acting Chief Secretary to the Government.

His Excellency: The amendment is therefore lost.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I have a further amendment to propose, Sir. First, I would move that the second provisions (a), (b) and (c) of this sub-section be re-lettered (d), (e) and (f) to avoid confusion when referring to them. I think that is necessary.

His Excellency: I suggest that the second (a), (b) and (c) be left out altogether.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, Sir. Then I wish to draw attention to clause (c) which is as follows:—"that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation." As we are laying down what the Court is to do about it, namely "shall in the third case be the value of the land, and of the materials of the buildings thereon after and less the cost of, demolition," I don't quite know what is to happen in the case of a store. If you have a store which is a perfectly good store but is unfit and not reasonably capable of being made fit for human habitation, why should the owner get further compensation for the loss of that perfectly good store? I feel I should draw the attention of the Honourable Attorney-General to that.

The Hon. the Acting Attorney-General: Would the Honourable Member be satisfied if the section were amended by inserting the words "if intended for human habitation" before "are unfit"?

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I think that would meet the case, Sir.

His Excellency: I will read the section as it is proposed by the Attorney-General to be amended:—

"(c) that the house or premises, if intended for human habitation, are unfit, and not reasonably capable of being made fit, for human habitation."

The amendment was adopted. Clause 49 to stand part of the Bill.

The Hon. the Commissioner of Lands: I beg to move, Sir, to delete clause 47 (old numbering).

The amendment was adopted.

The Hon. the Acting Attorney-General: There is one small amendment I should like to move before we come to the definition clause. My learned and honourable friend the Commercial Member for Lagos (Mr. R. F. Irving), in moving an amendment to section 10 (2) made reference to section 38. That section, Sir, has been renumbered 41, so that slight amendment should be made

The amendment was adopted.

His Excellency: We will now take clause 2—Definitions. Has any Member an amendment or a proposed addition?

The Hon. the Commissioner of Lands: I beg to move, Sir, the addition of a definition of "Holding," and to insert this new definition after the definition of "Board." The definition proposed is as follows:—

"'Holding' means any piece or parcel of land, and 'original holding' and 'final holding' mean respectively, 'with reference to a scheme which provides for the redistribution of holdings, a holding prior to its amalgamation with other holdings for the purpose of redistribution and a holding in pursuance of redistribution.'"

The amendment was adopted.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I have to move the deletion of the definition of "obstructive building." That is consequent upon the amendment to section 7.

His Excellency: The Government will accept that.

The amendment was adopted.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Before proceeding to the enactment, Your Excellency, I would like to make a suggestion for the consideration of the Committee. It seems to a number of Unofficial Members that the very complicated inter-collective amendments of the Bill are very difficult to follow, and there is an impression that before leaving Committee, the Bill, with great advantage, might be reprinted, and I would suggest that the possibility of this might be considered that at this stage we have the Bill with all the amendments embodied, printed. I am not sure, but I think this might be done for circulation to all members to-morrow morning.

His Excellency: That is impossible; the amendments are so very many and it will take some time for them to be sorted out, and an amended Bill circulated.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I for one, don't see how we can leave Committee stage without that being done.

His Excellency: I don't quite understand the Honourable Member's desire. The Bill is practically passed now and there can be no question of further amendments after this morning. If Honourable Members get the amended Bill in a little time, that will be just as good.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): But we have already amended this morning a section that was passed previously, owing to a mistake on the part of the Honourable Attorney-General.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Would it perhaps be possible to adjourn Committee stage until one week hence? This is only in case there are any errors such as the one we have just adjusted, unless the Honourable Attorney-General is satisfied that there is no possibility of any such lapse. There need not be a formal meeting, but just a sufficient number to form a quorum.

His Excellency: If we find any consequential amendments we can do those in February quite easily.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I don't think the members of this Committee are doing their duty unless they are reasonably satisfied that the clauses of the Bill are correct and that the different amendments when considered together will fit in.

His Excellency: We can do it in February; if there is any obvious inconsistency it must be altered then.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): How long will it take to have it printed?

His Excellency: It cannot be done by to-morrow.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I cannot suggest that we resume unless we are satisfied. It has been particularly difficult for members to follow; there have been certain amendments made by consultation between members; the amendments have been very quickly taken, and we have passed to the consideration of another clause before members who have not had the opportunity of seeing the amendments beforehand have realised what has happened.

His Excellency: So many amendments have come in at the eleventh and three-quarter hour. That is not the fault of Government, it is the fault of the mover of the amendment.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): I rise to associate myself with the objections raised by the Honourable Commercial Member for Calabar (Mr. G. Graham Paul). We have had no copy of the amendments and it has been very difficult to follow.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): We have not even had the minutes of yesterday's meeting, which might have been of some assistance.

His Excellency: I am afraid I cannot accept the Honourable Member's suggestion, and the Bill must be formally submitted for third reading. If there are any consequential inconsistencies we shall be only too pleased to alter them in February next.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): Is it possible at this stage to make any further suggestions as to an amendment?

The Hon. the Acting Attorney-General: I would ask the Honourable Member to what stage is he referring? Before we proceed to the third reading?

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): Yes, Sir, before proceeding to third reading.

The Hon. the Acting Attorney-General: The Bill has passed through Committee now and all amendments have been made. By permission of the Chairman a section may be reconsidered.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): I suggest, Sir, with particular reference to the original section 53 in Part VIII, which provides that the town planning rate shall not exceed the "improvement rate"

The Hon. the Acting Attorney-General: I do not know whether the Honourable Member is moving an amendment?

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): I am making a suggestion.

The Hon. the Acting Attorney-General: I would only point out that the suggestion of the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) was that more amendments might be required consequential on various clauses having already been amended. The Honourable Member for the Egba Division (Mr. S. H. Pearse) is referring to a section which has not been amended at all, and is not affected by any other amendment that has been made, and I cannot see how any question can arise now.

His Excellency: I wish the Honourable Member could have made his amendment at the proper time as we went through the Bill clause by clause. It upsets all arrangements to have to go right back. However, I will accept the amendment if you will put it in writing.

The amendment was handed in.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): There is a general opinion that if the "improvement rate" is $2\frac{1}{2}$ per cent. and the town planning rate is to be fixed also at $2\frac{1}{2}$ per cent. it will make the rates too high; it will bring our rates to over 5 per cent. in all, and I therefore suggest that the town planning rate should not exceed half the improvement rate.

His Excellency: The amendment is as follows:—That section 53, now where it reads "such rate shall not exceed the improvement rate" should read "shall not exceed half the improvement rate." Government cannot accept that amendment. However, I will put it to the vote.

The amendment was lost.

The Hon. the Commissioner of Lands: I beg to move, Sir, that Council now resume.

The Hon. the Acting Director of Medical and Sanitary Service: I beg to second the motion.

Council resumed.

The Hon. the Commissioner of Lands: I beg, Sir, to report that a Bill entitled "An Ordinance to make provision for the Re-planning, Improvement and Development of Lagos" has passed through Committee of the whole Council with amendments.

I beg, Sir, to move that a Bill entitled "An Ordinance to make provision for the Re-planning, Improvement and Development of Lagos" be read a third time and passed.

The Hon. the Acting Attorney-General: I beg to second the motion.

Bill read a third time and passed accordingly.

His Excellency: I now adjourn Council *sine die*.

Council adjourned at 11.30 a.m.