

Volume 5
No. 10

Wednesday
17th December, 1958



NORTHERN REGIONAL LEGISLATURE

HOUSE OF CHIEFS
DEBATES

OFFICIAL REPORT

(Second Legislature)

Second Session

(Third Meeting)

KADUNA
GOVERNMENT PRINTER, NORTHERN REGION OF NIGERIA
1959

CONTENTS

Wednesday, 17th December, 1958

LIST OF MEMBERS OF THE EXECUTIVE COUNCIL [Col. x]:

LIST OF MEMBERS OF VARIOUS COMMITTEES [Col. xi]:

LIST OF OFFICERS OF THE HOUSE [Col. xii]:

ANNOUNCEMENT BY PRESIDENT [Col. 173]:

Message from Shehu of Bornu

PAPERS LAID [Col. 173]:

Statement by the Government of the Northern Region of Nigeria on the Reorganisation of the Legal and Judicial Systems of the Northern Region

Produce Inspection (Amendment) Regulations, 1958

Cocoa (Inspection for Export) (Amendment) Regulations, 1958

Palm Produce (Inspection for Export) (Amendment) Regulations, 1958

Cotton (Inspection for Export) (Amendment) Regulations, 1958

Rubber (Inspection for Export) (Amendment) Regulations, 1958

Annual Report of the Survey Department 1955-56

Annual Report on the Social Welfare Services of the Northern Region of Nigeria 1957-58

MESSAGES ON BILLS FROM ASSEMBLY [Col. 174]:

Special Officers Salaries

Officers of the Legislative Houses Salaries

Appropriation

Riot Damage

Audit

Local Borrowings

Goldsmiths

Assessment and Rating

Children and Young Persons

Northern Regional Marketing Board

Northern Region High Court

Native Courts

SPECIAL OFFICERS (SALARIES) LAW [Col. 177]:

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

OFFICERS OF THE LEGISLATIVE HOUSES (SALARIES) LAW [Col. 177]:

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

SUPPLEMENTARY APPROPRIATION (No. 2) LAW [Col. 178]:

Motion made for Second Reading; debate postponed in accordance with Standing Order 65

LOCAL BORROWINGS (AMENDMENT) LAW [Col. 180]:

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

NORTHERN REGION HIGH COURT (AMENDMENT) LAW [Col. 181]:

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

NATIVE COURTS (AMENDMENTS) LAW [Col. 182]:

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

GOLDSMITHS LAW [Col. 188]:

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

NORTHERN REGIONAL MARKETING BOARD (AMENDMENT No. 2) LAW [Col. 190]:

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

BUSINESS STATEMENT [Col. 191]:

ADJOURNMENT [Col. 192]:

Adjourned at five minutes to One o'clock

LIST OF MEMBERS OF THE EXECUTIVE COUNCIL

Alhaji the Honourable Ahmadu, C.B.E., M.H.A. (Sardauna of Sokoto)—Premier
The Honourable H. H. Marshall Esq., Q.C., Attorney-General
Sir Abubakar, G.B.E., C.M.G., C.B.E., (Sultan of Sokoto) Minister without Portfolio
Sir Muhammadu Sanusi, K.B.E., C.M.G., (Emir of Kano) Minister without Portfolio
Alhaji Usman Nagogo, C.M.G., C.B.E. (Emir of Katsina) Minister without Portfolio
Atoshi Agbumanu O.B.E., (Chief of Wukari) Minister without Portfolio
Alhaji the Honourable Aliyu, C.B.E., M.H.A. (Makama of Bida) Minister of Finance
Alhaji the Honourable Isa Kaita, O.B.E., M.H.A. (Madawaki of Katsina) Minister of Education
Honourable Abba M. Habib, M.H.A., Minister of Trade and Industry
Honourable George U. Ohikere, Esq., M.H.A., Minister of Works
Honourable Abdullahi Maikano Dutse, M.H.A., Minister for Local Government
Honourable Ibrahim Musa Gashash, M.H.A., Minister of Land and Surve
Alhaji the Honourable Ahman (Galadima of Pategi) Minister of Health
Honourable Mustafa Monguno, M.H.A., Minister of Agriculture
Honourable Mallam Abdullahi dan Buram Jada, M.H.A., Minister of Animal Health and Forestry
and of Northern Cameroons Affairs
Honourable Michael Audu Buba, Esq. (Waziri of Shendam) Minister of Social Welfare and Co-
operatives
Honourable Mallam Shehu Usman, M.H.A., (Galadima of Maska) Minister of Internal Affairs
Honourable Mu'azu Lamido, M.H.A., (Magatakarda) Minister of State
Honourable Muhammadu Kabir (Chiroman of Katagum) Minister of State
Honourable D. A. Ogbadu, M.H.A., Minister of State
Honourable A Obekpa, M.H.A., Minister of State

President

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

Deputy President

Umar Ibn Ibrahim El-Kanemi, C.B.E., M.H.C. (Shehu of Dikwa)

COMMITTEES OF THE HOUSE APPOINTED PURSUANT TO STANDING
ORDERS OF THE HOUSE SECOND SESSION, 1958

xi

Committee Selection

President—Chairman	}	Nominated by Executive Council
Attorney-General		
Sultan of Sokoto	}	Elected by the House
Emir of Kano		
Lamido of Adamawa		
Emir of Lapai		

Standing Orders Committee

President—Chairman
The Attorney-General
The Emir of Gwandu
The Emir of Dikwa
The Chief of Kagoro

Public Petition's Committee

President—Chairman
The Attorney-General
The Emir of Argungu
The Emir of Misau
The Etsu of Pategi
The Emir of Biu
The Chief of Idoma
The Emir of Wase

House Committee

The Chairman—Emir of Zaria
The Emir of Katsina
Chief of Zinna
The Emir of Abuja
The Emir of Bedde
The Chief of Paiko

Standing Committee 'A'

Lamido of Adamawa
Emir of Muri
Emir of Gombe
Emir of Misau
Emir of Keffi
Chief of Tiv
Shehu of Bornu
Emir of Fika
Emir of Bedde
Etsu of Pategi

xii

Standing Committee 'A'—continued

Chief of Zinna
Emir of Hadejia
Emir of Katsina
Ohinoi of Igbirra
Etsu Nupe
Emir of Abuja
Etsu Lapai
Emir of Jema'a
Chief of Kanam
Emir of Gumel
Emir of Wase
Emir of Argungu
Chief of Kagoro

Standing Committee 'B'

Chief of Bachama
Emir of Bauchi
Emir of Katagum
Emir of Jema'are
Emir of Nassarawa
Chief of Idoma
Emir of Lafia
Emir of Dikwa
Emir of Biu
Emir of Ilorin
Emir of Borgu
Atta of Igala
Chief of Koton Karifi
Emir of Kazaure
Emir of Daura
Emir of Kontagora
Etsu Agaie
Chief of Jos
Chief of Wamba
Emir of Gwamda
Emir of Yauri
Chief of Paiko

Public Accounts Joint Committee

Lamido of Adamawa
Emir of Pategi
Emir of Gumel
Emir of Yauri
Emir of Abuja
Emir of Wase

OFFICERS OF THE HOUSE

xiv

xiii

Acting Clerk to Regional Legislature

M. Abba J. Gana

Acting Clerk Assistant

M. Abdullahi K. Mohammed

Hansard Editor

M. Mukhtar A. Tahir

Hon. Hausa Editor

M. Usman Lapai

Official Reporters

Miss P. M. Taylor
Mrs M. Lambert-Lamond
Mrs Lindow
Miss J. Overy
Miss E. Harrison
Mrs V. D. Hibbs
Miss D. Juby
Miss B. Lovering

Serjeant-at-Arms

R. S. M. Abdullahi Mango, B.E.M.

HOUSE OF CHIEFS DEBATES

OFFICIAL REPORT

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

THIRD SERIES

VOLUME V

SEVENTH VOLUME OF SERIES 1958

HOUSE OF CHIEFS NORTHERN NIGERIA

Wednesday, 17th December, 1958

The House met at 10.00 a.m.

PRAYERS

(MR PRESIDENT *in the Chair*)

Mr President: I should like to welcome all hon. Members to this House. I have received a telegram of good wishes from the Shehu of Bornu who is unable to attend this meeting. I am sure hon. Members will wish me to reply accordingly. (*Assent*).

PAPERS LAID

The Premier (Alhaji Ahmadu, Sardauna of Sokoto): Mr President, Sir, I beg to lay the following paper upon the Table of this House:—

Statement by the Government of the Northern Region of Nigeria on the Reorganisation of the Legal and Judicial Systems of the Northern Region.

Ordered:

That the said paper do lie upon the Table.

The Minister of Agriculture (Alhaji Mustafa Monguno): Mr President, Sir, I beg to lay the following papers upon the Table of this House:—

Produce Inspection (Amendment) Regulations, 1958.

Cocoa (Inspection for Export) (Amendment) Regulations, 1958.

Palm Produce (Inspection for Export) (Amendment) Regulations, 1958.

Cotton (Inspection for Export) (Amendment) Regulations, 1958.

Rubber (Inspection for Export) (Amendment) Regulations, 1958.

Ordered:

That the said papers do lie upon the Table.

The Minister of Land and Survey (The hon. Ibrahim Musa Gashash): Mr President, Sir, I beg to lay the following paper upon the Table of this House:—

Annual Report of the Survey Department, 1955-56

Ordered:

That the said paper do lie upon the Table.

The Minister of Social Welfare and Co-operatives (Hon. M. A. Buba, Waziri of Shendam): Mr President, Sir, I beg to lay the following paper upon the Table of this House:—

Annual Report on the Social Welfare Services of the Northern Region of Nigeria, 1957-58.

Ordered:

That the said paper do lie upon the Table.

Mr President: The Clerk will now read the messages from the House of Assembly.

MESSAGES ON BILLS FROM HOUSE OF ASSEMBLY

Special Officers' Salaries

Message from the Northern House of Assembly on Bill entitled "The Special Officers' (Salaries) Law, 1958", as amended—read.

Motion made and question proposed, "That the Bill be now read a first time"—(*Premier*).

Question put and agreed to.

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

Officers of the Legislative House Salaries

Message from the Northern House of Assembly on Bill entitled "The Officers of the Legislative Houses (Salaries) Law, 1958", as amended—read.

Motion made and question proposed, "That the Bill be now read a first time"—(*Premier*).

Question put and agreed to.

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

Appropriation

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

[APPROPRIATION]

Region, 1958-59 Supplementary Appropriation (No. 2) Law, 1958", without amendment—read.

Motion made and question proposed, "That the Bill be now read a first time"—(*Minister of Finance*).

Question put and agreed to.

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

Riot Damage

Message from the Northern House of Assembly on Bill entitled "The Riot Damage Law, 1958", without amendment—read.

Motion made and question proposed, "That the Bill be now read a first time"—(*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time, to be read a second time tomorrow.

Audit

Message from the Northern House of Assembly on Bill entitled "The Audit Law, 1958", without amendment—read.

Motion made and question proposed, "That the Bill be now read a first time"—(*Minister of Finance*).

Question put and agreed to.

Bill accordingly read the first time, to be read a second time tomorrow.

Local Borrowings

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

Motion made and question proposed "That the Bill be now read a first time"—(*Minister of Finance*).

Question put and agreed to.

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

Goldsmiths

Message from the Northern House of Assembly on Bill entitled "The Goldsmiths Law, 1958" without amendment read.

Motion made and question proposed "That the Bill be now read the first time", (*Minister of Land and Survey*).

Question put and agreed to.

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

Assessment and Rating

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

Rating (Public Utility Corporations) Law, 1958" without amendment—read.

Motion made and question proposed "That the Bill be now read the first time", (*Minister of Land and Survey*).

Question put and agreed to.

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

Children and Young Persons.

Message from the Northern House of Assembly on Bill entitled "The Children and Young Persons Law, 1958" as amended—read.

Motion made and question proposed "That the Bill be now read the first time", (*Minister of Social Welfare and Co-operatives*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time to-morrow.

Northern Regional Marketing Board

Message from the Northern House of Assembly on Bill entitled "The Northern Regional Marketing Board (Amendment No. 2) Law, 1958", without amendment—read.

Motion made and question proposed "That the Bill be now read the first time", (*Minister of Education*).

Question put and agreed to.

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

Northern Region High Court

Message from the Northern House of Assembly on Bill entitled "The Northern Region High Court (Amendment) Law, 1958" without amendment—read.

Motion made and question proposed "That the Bill be now read the first time", (*Attorney-General*).

Question put and agreed to.

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

Native Courts

Message from the Northern House of Assembly on Bill entitled "The Native Courts (Amendment) Law, 1958" without amendment—read.

Motion made and question proposed "That the Bill be now read the first time", (*Attorney-General*).

Question put and agreed to.

Bill accordingly read the first time; to be read a second time today.

ORDERS OF THE DAY

The Special Officers (Salaries) Law, 1958.

Order for Second Reading read.

The Premier: Mr President, Sir, hon. Members will remember that when I last introduced the White Paper on Self-Government in the last section of it, it clearly stated that it was proposed to bring to this House a bill for safeguarding the salaries of certain officers. All aspects of Government expenditure, including salaries and allowances, will be subject to the control of the legislature, but the officers specified in this bill are those that must remain above politics. Their emoluments must not be subject to debate in the Legislature. Members will see that salaries in the schedule to this bill are minimum only which means they cannot be reduced. Sir, I beg to move that the bill now be read the second time.

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

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

The President: Committee, When?

The Premier: Now, Sir.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-6 agreed to.

Schedule agreed to

House resumes

The Premier: Mr President, I beg to report the bill from the Committee of the Whole House, without amendment, and move that it be read a third time and passed.

The Minister of Social Welfare and Cooperatives: Mr President, Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a third time and passed.

Officers of the Legislative Houses (Salaries) Law, 1958.

Order for Second Reading read.

The Premier: I beg to move that this bill be now read the second time. Sir, this bill is exactly the same as the one passed just a minute ago except it deals with your salary and that of your Deputy, that of the Speaker of the

House of Assembly and his Deputy, the Clerk to the Legislature and the Sergeant-at-Arms. All of you, Sir, must be kept above politics and that is why this bill is now being introduced.

Sir, I beg to move.

The Minister of Agriculture: I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

The President: Committee?

The Premier: Now, Sir.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-10 agreed to.

Schedule agreed to.

House resumes

The Premier: Mr President, Sir, I beg to report the bill back to the House from the Committee of the Whole House without amendment. I beg to move that it be read a third time and passed.

The Minister of Social Welfare and Cooperatives: Mr President, Sir, I beg to second.

Question put and agreed to.

Bill accordingly read the third time and passed.

Northern Region 1958-59 Supplementary Appropriation (No. 2) Law, 1958

Order for Second Reading read.

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled "The Northern Region 1958-59 Supplementary Appropriation (No. 2) Law, 1958", be now read a second time.

At the last meeting of this House, I explained that with the enactment of the Law for the Control and Management of our Public Finances, the Finance Committee system of sanctioning supplementary provision gave way to a Supplementary Budget system and that the Chiefs could expect to have Supplementary Budgets presented to them at each meeting of the Legislature.

I am glad to be able to say that the world economic picture is brighter than it was when I introduced my First Supplementary Budget in August. The recession in the United States of America has turned and production and employment in that country are more buoyant. In Europe, too, there are signs of improvement.

[MINISTER OF FINANCE]

The signs of improvement in the economies of the advanced industrial countries have unhappily not yet, however, been reflected in improved prices for our primary products. Groundnuts have fluctuated in price but their average value recently has been under £60 per ton landed in England. This means that the Marketing Board is still heavily subsidising producers. Chiefs, I am sure, appreciate the extent the everyday trade and prosperity of the North is being sustained by this subsidy, which means that the full effects of the world recession in commodity prices has not hit the Region to the extent they would otherwise have done. The outlook for crops in the coming season is about average, except that the long dry spell during the rains has adversely affected food crops in parts of the Riverain areas. No shortage is anticipated, but the normal surplus for export in those areas appears likely to be reduced. On latest forecasts, the groundnut crop may just exceed four hundred thousand tons.

The Fiscal Commission report was adopted at the London Constitutional Conference. The recommendations of that Report regarding alterations in the methods of revenue allocation will not come into force until the new financial year and it would be inappropriate for me to comment on their effects now save to say that we welcome the half a million pounds which is being paid to us by the Federal Government this year to make up for the past under allocation of Import Duties that we suffered under the Revenue Allocation system devised by Sir Louis Chick.

Chiefs will notice from the financial statement at page 4 of the Draft Estimates that a deficit of just over three hundred thousand pounds is now anticipated on the Recurrent Estimates this financial year. Let me say at once that this does not mean that our financial position is critical. Chiefs will also observe that by far the largest single expenditure item is the two hundred and twenty-eight thousand pounds set aside for Self-Government Celebrations: the main celebrations will not take place until next financial year but much has to be spent this year on stores and on construction and other preparatory work.

All expenditure proposals are explained in footnotes, or, where fuller details are necessary, in the memorandum forming the last pages of the Supplementary Estimates Volume. When their own Votes are reached in Committee of

Supply, my Colleagues will be pleased to give any additional information Chiefs may require. Here I would emphasize "economy" must remain our watchword and all have been asked to see if further economies can be effected this year.

All Capital Expenditure takes place within the framework of the Regional Development Plan. As development proceeds we are, as we anticipated, more and more turning to loans to complete the programme and a further £2,000,000 pounds from the Northern Regional Marketing Board is now being taken up. We are still enjoying the benefits of Development and Welfare Grants from the British Government and, in order to take full advantage of these in the period before Federal independence, efforts are being concentrated on projects which attract such Grants. In particular great success has been achieved with the Rural Water Supplies Programme which brings such widespread benefits.

Before I sit down, Sir, I wish to express my gratitude to all those who helped to prepare these Estimates for presentation to the House.

Sir, I beg to move.

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

The President: Members may recall that in accordance with Standing Order No. 65, a debate on a bill of this nature should not take place immediately, and so I am not proposing the question now but tomorrow morning.

House suspended at 10.55 a.m. for 20 minutes.

House resumed at 11.20 a.m.

Local Borrowings (Amendment) Law, 1958

Order for Second Reading read.

The Minister of Finance: Mr President, Sir, I rise to move that the Bill entitled the Local Borrowings (Amendment) Law, 1958, be now read a second time. The purpose of this very brief Bill is to make a purely consequential amendment to the Local Borrowings Ordinance, 1951, so that monies lent under that Ordinance to the Government of this Region may be appropriated and applied for the purposes of the Loans Law, 1958.

Mr President, Sir, I beg to move.

The Minister of State (M. Kabir): Mr President, Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1 and 2 agreed to.

House resumed

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

The Northern Region High Court (Amendment) Law, 1958

Order for Second Reading read.

The Attorney-General: Mr President, Sir, I beg to move that a Bill for a law to amend the Northern Region High Court Law, 1955, be now read a second time.

Mr President, Sir, this is a short Bill to clarify the meaning of section 73 of the High Court Law.

Under the provisions of sub-sections (1) and (2) of section 73 of the Law the Chief Justice may at any time and at any stage of the proceedings in a case transfer such a case from one Judge to another.

There however exist under other legislation certain provisions enabling judges of the High Court other than the Chief Justice to transfer cases in certain events. It has been suggested that section 73 of the High Court Law as it now stands may have the effect of overriding the special powers vested in other judges under such other legislation. This is not the case, but, in order to clarify the position, this Bill is introduced. The amendment is effected by the introduction of a new sub-section (3) of section 73 which appears in the Bill before the House.

Mr President, Sir, I beg to move.

The Minister of State (Mr Obekpa): Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1 and 2 agreed to.

House resumed

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

The Native Courts (Amendment) Law, 1958

Order for Second Reading read

The Attorney-General: Mr. President, Sir, I beg to move that a Bill for a Law to amend the Native Courts Law, 1956, be now read a second time.

Hon. Members who have read the Report of the Minorities Commission will have seen that a part of its 15th recommendation on page 105 reads as follows:—

“We consider that the fears of minorities in respect of Moslem Law would be reduced if the Government of the Northern Region were to adopt the following proposals, some of which they already have in mind.

(1) Non-Moslems to have the option of being dealt with by Non-Moslem courts”.

As hon. Members will already have seen from the White Paper on the Reform of the Courts and the Legal System in the Northern Region which has been presented to the House at this Meeting, it was one of the recommendations of the Panel of Jurists who visited this country in September of this year that during an interim period in which the native courts of the Region were to be “guided” by the new Penal Code and Code of Criminal Procedure as opposed to being bound by it, that is to say until native courts could understand how to apply the new system without serious mistakes, non-Moslems should be permitted to “opt out” of trial by a Moslem court in favour of trial before a magistrate’s court if they still feared that they would not receive a fair hearing and that a similar option should be allowed to Moslems who objected to trial by a non-Moslem native court.

The Panel stated that their proposal was based on the recommendation of the Minorities Commission to which I have referred but considered that a perpetuation of such options on a long term basis would only serve to deepen the existing divisions in the Region and to retard the unification of the judicial system. The Panel recommended, therefore, that as soon as the Regional Government was satisfied that the native courts had had adequate training and experience, and as soon as the Regional Government was prepared to make the new Codes binding on all Courts without exception, all such options should cease.

It will therefore be seen that the Panel of Jurists intended that the power to “opt out” should come into force when the new Codes came into force and should last during the period

[ATTORNEY-GENERAL]
in which Native Courts were learning how to administer such Codes. That is to say the Panel did not recommend that the "opting out" arrangements should begin until the new Penal Code system began.

The Government has, however, given the most anxious and earnest consideration to the wider implications of the problem of the trial of non-Moslems by Moslem Courts and *vice versa*, and has had particular regard to the views of the Minorities Commission who reported before the Panel of Jurists had recommended the new Codes.

As a result of these recommendations the Government has decided that the "opting out" proposals should be introduced forthwith and should be extended not only to non-Moslems appearing before Moslem courts but also to Moslems appearing before non-Moslem courts and to civil as well as criminal cases. The working of the Bill can be understood by just reading it without any explanation from me, so clear are its terms.

Two further points I would, however, like to make. First, I am sure that this House, the Northern Region, Nigeria as a whole, and the Commonwealth at large have been gratified by the way the proposals for penal reform have been accepted and are to be implemented with such rapidity by our Government. Any suggestion of reluctance on the part of the Government is at once negated by the introduction, before its recommended time, of the present Bill. Secondly, this is a Bill which will remain law for just so long as is necessary. When the Legislature feels that all courts are able to administer efficiently all the provisions of the law, civil and criminal, which have been entrusted to them, then this legislation will be repealed—but this will possibly not take place for a very long time.

Mr President, Sir, I beg to move.

The Minister of State (Mr D. Ogbadu): Sir, I beg to second.

Question proposed:

Mallam Junaidu, Wazirin Sokoto Advisor on Muslim Law): Mr President, Sir, I have a question to ask regarding opting out of trial. What will be the case if both a Muslim and non-Muslim are involved in one case? It has been said that a Muslim could choose to be tried by an Alkali's court and a non-Muslim could also choose to be tried by a non-Muslim court. In my view, what is desirable is that justice should be

done by whatever court. There is also the provision for appeals opened to both Muslims and non-Muslims whenever they feel that justice has been done. There is no harm if a non-Muslim elects to be tried by a customary court on matters such as marriage, inheritance and others which are to be tried according to his native law and custom. I am a bit confused and that is why I ask this question, as I do not understand this provision for opting out of trial by Muslims and non-Muslims.

The Emir of Borgu: Mr President, Sir, the reason why I have risen is to make some explanations in this matter. I think that to avoid confusion, Alkalai of Muslims Courts could sit together with Presidents of non-Muslims Courts in order to try cases involving Muslims and non-Muslims. Otherwise what would happen if a non-Muslim refuses to be tried by an Alkali and the Muslim to go before a non-Muslim Court? If the Alkalai and the Presidents could sit in the same Court, both the Muslims and non-Muslims could then go to the Magistrate Court should they so desire.

The Emir of Misau: Mr President, my own point is the same as that of the Adviser on Muslim Law. Here is a Muslim and non-Muslim involved in one case, such as fighting which is not to be tried under customary law and the non-Muslim refuses to go before an Alkali. What will happen? I want also Attorney-General to say what he means by saying that the Alkalai could adjust themselves in future, after they had been taught. I do not understand what it is that they have to learn. I am sorry for this, but I have not read the papers on this. (*Laughter*). I have heard that appointments of Alkalai and their conditions of service would be the responsibility of the Regional Government, and others have said so many other things about all this. I do not understand.

The Emir of Pategi: I want an explanation also from the Attorney-General. Sometimes in the past, we were asked to agree to the setting up of Muslim Court of Appeal. Why is this now going to be changed? Why would not this Muslim Court try any case? Is it the intension to change the whole system again? I want an explanation.

The Emir of Kazaure: Mr President, Sir, what I want to say is very short. I do not at all support that an Alkali and a President should sit in the same Court. Two Alkalais in one court could not work properly. I can only support this view, if there is no other better way to it.

The Emir of Zaria: Mr President, I rise to ask a question in connection with point raised by Adviser on Muslim Law. It has been said that anyone could opt out of trial by a certain court. In my view, there are two classes of non-Muslim, there are Christians and Pagans. If they go before an Alkali, will he ask them what their customs are before he starts the case? May I remind the Attorney-General that the main differences between customary and Muslim Law is in matters such as inheritance, and others which are guarded by customary Law for non-Muslims. In such matters the provisions of customary law will not be applied to Muslims. What will a Magistrate do if there is a quarrel between a Muslim and a non-Muslim? I want further explanation on this point.

The Atta of Igala: Mr President, I rise in order to seek explanation on this Law. This law will encourage those minority tribes to become lawless. For example if a Muslim hits a Gwari in the Kaduna market, and they are taken before the Market Supervisor. The Gwari might say that he could not be tried there, because he is not a Muslim. I want to know from the Attorney-General, if it is possible for the Market Supervisor to continue to try the case, despite any objection. Does the Attorney-General know that this would be very difficult?

I think that this Bill is being brought hurriedly and I think we are going to be troubled by it. Is the Attorney-General aware that if this law is introduced the people will have been divided on religion, and the system of law. Will it be possible to make a regulation that applies to both Christians and Muslims because their systems of religion are not the same? (*Applause*). Or is it that the Christians and Muslims should be divided in their interest so that everyone should practise his religion in the way he likes. If this is to appease the minorities I do not think it will ease the position because in this Region there are courts of various grades so that if one is not satisfied with a case in a low court he can appeal to a high court. For that reason, if it is because of religious differences that this law is being introduced it will bring some difficulties to the Government in making Alkalai Presidents of the courts. Does the Attorney-General not see that this Bill will bring some difficulties and that time should be given for its consideration.

The Premier: Mr President, Sir, I fail to understand why the Atta of Igala compares the Northern Region with the Western Region or

Eastern Region or even Lagos where there are no Moslem courts. We cannot be expected to copy what is being done in the East and the West and we cannot expect them to copy what we are doing here, especially as we have the 'Alkalai' Courts and Customary Courts. The Atta has been comparing the duties of the supervisor of the market with an Alkali's work. I am sorry to say that throughout the Region the work of the supervisors is to see that the market is kept clean, that people behave well and if they do not the matter is referred to a court, and I know in some places you get Alkalai who administer justice in markets but whatever name they are called they are quite different from Sarkin Kasuwas. (*Market Supervisors*).

The Emir of Misau has asked if all the Alkalai are going to become Regional Government employees. This is a matter that I am going to refer to in a motion that I am going to move tomorrow, but I should like to assure him that none of his Alkalai will be taken over by the Regional Government.

The Emir of Pategi has raised the question of the Moslem Court of Appeal, whether they are not competent to try cases between Moslems and non-Moslems or whether that court is now not to exist, but as that subject and other matters mentioned by Members of the House all fall within the motion that I am going to move tomorrow and for which I shall ask for your support, I do not think any appropriate answer can be given now.

As regards "opting out" I do not like to make any lengthy explanation but I would like to make an observation and that is if in a predominantly Moslem area these was a case between a Moslem and non-Moslem and they appeared before an Alkali, the Alkali would ask the non-Moslem; "What is your religion?". If he says he is non-Moslem, he would ask him: "Do you want to be tried by me?". If he says: "No" then he will be tried before a Magistrate's Court. If he says "Yes", he will be tried according to Moslem Law; and in a predominantly non-Moslem area the same thing would be done by the President of the Court, and if the Moslem does not agree to be tried there he would be in a Magistrate's Court. Someone has just remarked that justice is the same wherever you go.

This is a brief explanation which is more or less connected with the Report of the Jurists, but for technical reasons I will leave this to my

[THE PREMIER]

Friend, the Attorney-General, who is learned in that respect. (*Applause from the Government Bench*).

Attorney-General: Mr President, Sir, I have very little to add to the very clear explanation which has been given by my hon. Friend, the Premier, but on one matter I would like to assist the House and that is on the subject of mixed cases which has been the subject of several questions from different parts of the House. May I explain it in this way? If in a civil case a non-Moslem takes a Moslem to a Moslem Court and the non-Moslem commences proceedings in that court he cannot, of course, object to the court to which he has brought the Defendant. It is only where a Defendant in a civil case or an accused person in a criminal case is non-Moslem that the difficulty arises. The Minorities Commission and the Panel of Jurists both considered that it was not right for a non-Moslem to be forced to submit to a Moslem Court and to Moslem Law and Moslem punishment if he did not wish to, if he does not object to the court, however, the court will deal with him. If he objects to the court, then the court sends word to the Resident who transfers the case to the appropriate court. Similar facilities have been given to Moslems as have been given to non-Moslems. If a Moslem is brought before a pagan court in some remote part of the country, he can be dealt with by that court if he agrees. If he does not agree he can object to being tried there and the Resident will send him to an appropriate court which in his case will usually be an Alkali's Court or a Moslem Court. The system will work both ways for the benefit of Moslems and non-Moslems alike. It is not so much a matter of religion as of law. It is natural for people to wish to be dealt with by the law which applies to their tribe or their way of life and there is no reason why they should have any other system of law imposed upon them by law.

I would like to say at this stage, however, that it is quite frequent for non-Moslems, including southerners from the Eastern and Western Regions, voluntarily to go to an Alkali's Court for a decision on their cases even where there is a mixed court or a magistrate's court in the same town. In this Nothing Bill will stop that going on. I was recently involved in an appeal from a native court to the High Court in which the facts were as follows: two Ibos had a dispute over a box belonging to one of them. They lived in a

town where there was a magistrate's court, a mixed court on which there was an Ibo representative, and an Alkali's court. They did not take their dispute either to the magistrate's court or to the mixed court but they took it to the Alkali. They were both content to have it tried by the Alkali: when the case was over one of them appealed to the Moslem Court of Appeal and when the case did not go as he liked he came to the High Court and said he objected to being tried by a Moslem Court. He was, of course, told by the High Court that he was too late to protest because he had no objection whatever to the court until things went wrong with him. Those who wish to object to a Moslem court must object before the case starts otherwise they will not be heard later.

Question put and agreed to.

Bill accordingly read the second time.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-3 agreed to.

House resumed

The Attorney-General: I beg to report the Bill from the Committee of the Whole House, without amendment, and move that it be read a third time and passed.

The Minister of State (Mallam Muhammadu Kabir): I beg to second it.

Question proposed.

Question put and agreed to.

Bill accordingly read the third time and passed.

The Goldsmiths Law, 1958

Order for Second Reading read.

The Minister of Land and Survey: Mr President, Sir, I rise to move the Second Reading of a Bill entitled "A Bill for a Law to Control and Regulate the Business of Goldsmiths".

Gold is known to exist in widely separate parts of the Northern Region in sufficient quantity to make gold mining a proposition attractive enough to encourage mining operators both foreign and local to exploit it. With the present restriction on the export of tin it is particularly opportune that some of the tin mining companies should be encouraged to prospect for gold. However, as hon. Members are aware, gold mining has been on the wane for a number of years partly because of the fact that the present Goldsmiths Ordinance

has not proved effective in controlling dealings in raw gold. Some of the profits which should have been received by the miners have been going into other pockets with the result that the gold mining industry has not been encouraged to maintain its position, much less to undertake expansion.

The Bill has therefore two main purposes:—

- (i) By introducing a greater measure of control on the sale of raw gold to encourage the gold mining industry.
- (ii) To simplify the law relating to the business of goldsmiths.

I do not propose to review the Bill clause by clause to emphasise how these two objects should be obtained. It will, I am sure, be sufficient if I draw attention to its main provisions. Firstly, the power to issue goldsmiths licences, hitherto exercised by Residents, will be transferred to Native Authorities, Local Authorities and the Administrator of Kaduna. The right to the revenue arising from these licences will also pass to these authorities instead of the Regional Government. Secondly, no licensed goldsmith will be allowed to have in his possession any raw gold other than that which he has purchased from a gold dealer licensed under the Gold Trading Ordinance. If this provision is successfully enforced the illicit acquisition of gold, for example, by the purchase of raw gold from mining labourers will be eliminated. Thirdly, the number of apprentices which a goldsmith may have in future will be limited to three. The absence of such a limit has been responsible for many of the evils of the past and I hope that this restriction will help to do away with them.

I commend this Bill to the House. If it is passed it is hoped that it will benefit not only the gold-mining community but the Government and native authorities.

Native Authorities will gain financially from the revenue which they will obtain from licensing and they will therefore have more reason to exercise a more effective control over the activities of goldsmiths than the Government is at present able to do. The Government will, it is true, in the first instance, lose the revenue which it has hitherto obtained from licensing, amounting to some £50 in a year. I hope, however, that this loss will in the longer term be more than offset by the increased gold royalties which may be expected to follow from a revival of the gold-mining industry.

Mr President, Sir, I beg to move that this Bill be read a second time.

The Minister of State (Mr Obekpa): I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-7 agreed to.

Clause 8.

The Emir of Yauri: In clause 8, Mr President, I see that powers of search are not given to Justices of the Peace, nor to Nigeria Police or Native Authority Police but to officers of the Mining Department. I would like to know whether the Minister is satisfied that the Native Authority will not lose by its not approving powers of search.

The Minister of Land and Survey: According to the law since the Native Authority is the one who gives the licences, if it is in doubt about any of the activities of Goldsmiths it can search their premises.

Clause 8 agreed to.

Clauses 9-17 agreed to.

House resumed

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

Question proposed.

Question put and agreed to.

Bill accordingly read the third time and passed.

The Northern Regional Marketing Board (Amendment No. 2) Law, 1958

Order for Second Reading read.

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

Hon. Members will recall that at the *ad hoc* meeting of the Nigeria Constitutional Conference held in Lagos in February of this year, it was decided that the Central Marketing Board should be wound up and be replaced by a new company to be registered in Nigeria and to be called the Nigerian Produce Marketing Company Limited. The Federal Government accordingly enacted the Export of Nigerian Produce Ordinance, 1958, which transferred the assets and liabilities of the old

[THE MINISTER OF EDUCATION]
Central Marketing Board to the new company, together with its functions of acquiring and exporting produce.

The Export of Nigerian Produce Ordinance, 1958, also transfers to the Federal Minister responsible for external trade the old Central Marketing Board's function of prescribing grades and standards of produce purchased for export. This change affects the Regional Marketing Board, whose duty it was to advise the Central Board on grading.

What the amendment to the Northern Regional Marketing Board Law now before the House does, is to move into line with these developments, by substituting in the Regional Law "The Nigeria Produce Marketing Company Limited" for "The Central Marketing Board" in provisions which refer to functions taken on by the Company, and substituting the "Federal Minister charged with responsibility for external trade" for "the Central Marketing Board" in the provisions referring to the prescription of grades.

Mr President, Sir, I beg to move

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

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-8 agreed to.

House resumed

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

The Emir of Katsina: Mr President, Sir, before I move the adjournment, I am sure

hon. Members would like to know the business for tomorrow and the order in which it will be taken.

After prayers, the following motions will be considered:—

- (a) A motion asking the House to adjourn *sine die* at its rising tomorrow.
- (b) A motion amending the Standing Rules and Orders of the House.
- (c) A motion authorising the Minister of finance to purchase from the Northern Regional Marketing Board £3,000,000 in 3 per cent Savings Bonds.
- (d) A motion accepting the Government Recommendations contained in the Sessional Paper on the Reorganisation of the Legal and Judicial systems of the Northern Region.

The debate on the Second Reading of the Bill entitled the 1958-59 Supplementary Appropriation (No. 2) Law, 1958, moved by the Minister of Finance this morning, will then take place. After the Second Reading, the House will go into Committee of Supply and we hope to finish all the stages of the Bill. We will then take the Second Readings of the following Bills:—

- (a) A Bill entitled the Riot Damage Law, 1958.
- (b) A Bill entitled the Audit Law, 1958.
- (c) A Bill entitled the Assessment and Rating (Public Utility Corporation) Law, 1958.
- (d) A Bill entitled the Children and Young Persons Law, 1958.

Resolved:

"That the House do now adjourn. (Emir of Katsina).

House accordingly adjourned at five minutes to one until ten o'clock tomorrow morning.

VOL
NO.

ANI

MO

SUF

RIC

AU

192
ness
l be
l be
urn
ules
of
tern
000
ent
bes-
of
the
the
ary
by
hen
the
and
We
the
aw,
and
aw,
ing
of
ites

Volume 5
No. 11



Thursday
18th December, 1958

NORTHERN REGIONAL LEGISLATURE

HOUSE OF CHIEFS
DEBATES

OFFICIAL REPORT
(Second Legislature)

Second Session
(Third Meeting)

CONTENTS

ANNOUNCEMENT BY PRESIDENT [Col. 193]:

Emir of Hadejia's illness

MOTIONS [Col. 193]:

Adjournment *sine die*—agreed to

Amendment of Standing Orders (Attorney-General)—agreed to

Authority to purchase £3,000,000 Savings Bonds (Premier)—agreed to

Legal and Judicial Systems of the Region (Premier)—agreed to

SUPPLEMENTARY APPROPRIATION (No. 2) LAW [Col. 204]:

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

RIOT DAMAGE LAW [Col. 206]:

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

AUDIT LAW [Col. 207]:

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

ASSESSMENT AND RATING (PUBLIC UTILITY CORPORATIONS) LAW [Col. 208]:

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

CHILDREN AND YOUNG PERSONS LAW [Col. 209]:

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

ADJOURNMENT [Col. 218]:

House adjourned sine die at forty minutes past 1.00 o'clock.

T
rece
info
mee
kno
I h
bes

T
Lar
the
Pap
adj

I
it t
the
If
the
can
Ch
bef
tha

T
Ka
Q
Q

Re
adj

T
I n
nar

C
t
a
l
h
r

in
app

HOUSE OF CHIEFS NORTHERN NIGERIA

Thursday, 18th December, 1958

The House met at ten o'clock

PRAYERS

(THE PRESIDENT *in the chair*)

The President: Hon. Members, I have received a message from the Emir of Hadejia informing me of his inability to attend this meeting owing to illness, but I am glad to know that he is recovering. He is convalescing. I have instructed the Clerk to send him our best wishes.

Adjournment *Sine Die*

The Minister of State (Hon. Mu'azu Lamido): Mr President, Sir, I beg to move the Motion standing in my name on the Order Paper "that this House at its rising this day do adjourn *sine die*".

It is customary for the Government when it thinks that the House will be able to finish the business before it to bring such a motion. If such a motion is not moved and should the House finish the business before it, it cannot adjourn *sine die*. I am sure that the Chiefs will also be happy to finish the business before the House today. It is for this reason that I beg to move the Motion.

The Minister of State (Hon. Muhammadu Kabir): Mr President, I beg to second.

Question proposed.

Question put and agreed to.

Resolve:

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

The Attorney-General: Mr President, Sir, I rise to move the Motion standing in my name on the Order Paper, namely that:—

"That the amendments to Standing Orders recommended for consideration by the House by the Standing Orders Committee and set out in the Report of that Committee be accepted and that the Standing Orders be amended accordingly".

The proposed amendments will be found in supplement No. 4 to Orders of the Day appearing on page 23 of the Order Paper of

today. The Standing Orders Committee, as the House will see, met yesterday, and the Members were the President of this House, the Chief of "Kagoro" and myself, with the Clerk to the Legislature in attendance. The amendments set out in the Report arise out of changes recently made in the method of Government in the Northern Region.

Both amendments are consequential on the changed status of the Joint Standing Committee on Finance. The Joint Standing Committee on Finance had, until recently, three sorts of duties:—

(a) the duty under Standing Order 67 to consider and report to the House on any proposals of the Government for expenditure additional to that appropriated in the annual Appropriation Bill;

(b) the duty under Standing Orders 56 and 67, during a recess and when it is impracticable for the House Committee to meet, to deal with matters that would normally be dealt with by the House Committee;

(c) certain statutory duties such as sanctioning loans in excess of £5,000 under Section 21 of the Development Corporation Law, 1955.

As the House is aware the Control and Management of Public Finances Law, 1958, introduced a new procedure for providing the Government with money over and above that voted by the annual Appropriation Law. Briefly, it is now necessary for the Legislature to pass supplementary Appropriation Laws to provide money as required subject to exceptional provisions for emergencies.

It is suggested that since the first mentioned function of the Joint Standing Committee on Finance has been abolished it should be relieved of its second function to act for the House Committees when the Houses are in recess. The reason for this is obvious. If the Joint Standing Committee on Finance is not to be regularly summoned to Kaduna for financial matters it is not possible for it to act as a substitute for the House Committees. It is suggested, therefore, that these second functions should be taken over by a Committee to be nominated at the beginning of each Session by the House Committee of this House.

The statutory functions of the Joint Standing Committee on Finance are not affected by these amendments and will need an amending Law to alter them.

[ATTORNEY-GENERAL]

I now come to the amendment of Standing Order 56. Clause 1 differs from the existing clause 1 only by the addition of the second sentence. It is now the practice for the House Committee to consult with the House Committee of the House of Assembly but, having regard to the fact that the two Houses share many amenities including the use of the Library, it is thought that the unwritten practice should now become written.

The amendment to clause 2 has been rendered necessary by the abolition of the office of Financial Secretary. It is suggested that his functions should be taken over by the Minister of Finance or, in his absence, by the Parliamentary Secretary to the Minister of Finance.

Clause 4 differs only from the existing clause 4 by substituting for the Joint Standing Committee on Finance a committee consisting of one Minister and three Parliamentary Secretaries to be nominated at the beginning of each Session by the House Committee.

The amendments to Standing Order 67 have been made, as I have stated above, as a result of the abolition of all the Joint Standing Committee's powers of authorising supplementary and interim expenditure and because of the proposed amendments to Standing Order 56.

Mr President, Sir, I beg to move.

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

Question proposed.

Question put and agreed to.

The President: Standing Orders will be amended accordingly. The Minister of Finance is not able to attend this morning but the Premier is answering for him.

Authority to purchase £3,000,000 Savings Bonds

The Premier: On the recommendation of His Excellency, Mr President, I beg to move the Motion standing in the name of the Minister of Finance on the Order Paper:—

(a) That this House authorises the Minister of Finance to purchase from the Northern Regional Marketing Board £1,000,000 3 per cent Savings Bonds 1955-65 and £2,000,000 3 per cent Savings Bonds 1960-70 for a sum of £3,000,000, payment of which shall be made to the Northern Regional Marketing Board by instalments over a period of twenty years, the balance of the purchase price unpaid at

any time bearing interest being calculated and made on an annuity basis.

(b) That this House further authorises the Minister of Finance to enter into an agreement with the Northern Regional Marketing Board for the purpose of embodying and carrying out the terms of the said transaction.

(c) That the said amount of £3,000,000 Savings Bonds be placed, when purchased, to the credit of the Consolidated Revenue Fund of the Region.

Members will remember that £5,000,000 the first portion of the loan, was authorised in March, 1958, in the form of transfer of securities from the Marketing Board to Government, repayment being made over twenty years on an annuity basis comprising equated instalments of capital and interest at 3 per cent. The securities purchased at that time were 3 per cent Savings Bonds 1955-65.

Government, in agreement with the Marketing Board, proposes to follow the same system this time, except that the securities will consist of £1,000,000 worth of 1955-56 3 per cent Savings Bonds and £2,000,000 worth of 1960-70 3 per cent Savings Bonds. £2,000,000 worth will be taken up immediately and £1,000,000 worth next year to fit in with the requirements of our Development Plan.

This procedure is in the interests of both Government and the Marketing Board. Government takes over the securities, paying for them at the full nominal rate by instalments, together with the interest they would have earned, so that the Marketing Board suffers no loss. Government then adds the securities to its portfolio of investments and when it requires more cash can sell them at the most favourable opportunity consistent with its needs.

In accordance with the terms of the Control and Management of Public Finances Law, 1958, the Bonds will be placed to the credit of the Consolidated Revenue Fund. From this they will pass into the Capital Development Fund and will be used solely for capital works in the implementation of the Development Plan.

Sir, I beg to move.

The Minister of Social Welfare and Cooperatives: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Resolved:

(a) That this House authorises the Minister of Finance to purchase from the Northern

Regional Marketing Board £1,000,000 3 per cent Savings Bonds 1955-56 and £2,000,000 3 per cent Savings Bonds 1960-70 for a sum of £3,000,000, payment of which shall be made to the Northern Regional Marketing Board by instalments over a period of twenty years, the balance of the purchase price unpaid at any time bearing interest being calculated and made on an annuity basis.

(b) That this House further authorises the Minister of Finance to enter into an agreement with the Northern Regional Marketing Board for the purpose of embodying and carrying out the terms of the said transaction.

(c) That the said amount of £3,000,000 Savings Bonds be placed, when purchased, to the credit of the Consolidated Revenue Fund of the Region.

Legal and Judicial Systems of the Northern Region

The Premier: Mr President, Sir, I rise to move the Motion standing in my name that "this House accepts the Government's Proposals contained in the Sessional Paper on the Reorganisation of the Legal and Judicial Systems of the Northern Region".

Hon. Members will be aware that some of the features of the legal and judicial systems of the Region have provoked criticism not only in Nigeria but also in the United Kingdom and other parts of the world. Consequently, we thought that these legal and judicial reforms would have to be carried out if the self-governing Region was to fulfil its role in the Federation of Nigeria and command respect amongst the nations of the world.

The present legal system is, in fact, three distinct systems operating side by side. There is Nigerian law, which is based upon the British model, there is Islamic law, and there is customary native law which is gradually changing with the changing times. On the judicial side the main weakness lies in the fact that there are two separate organisations, with only tenuous bonds joining them together, administering these three systems of law. On the one hand there are the Magistrates Courts, the High Court and the Supreme Court, and on the other there are a whole range of native courts extending from the D grade courts at the bottom with their very limited powers up to the Emir's Courts at the top which possess powers of life and death.

At various times in the past there have been indications that these three systems of the

judiciary were not functioning as smoothly as they should. Moreover, our experience in the past suggests that little can be done by tinkering with the present laws and that the best chance of success lies in devising new systems.

This Region comprises a great diversity of peoples having different customs and any reforms must satisfy the Moslem majority, reassure the non-Moslem minority and inspire confidence abroad.

My Colleagues and I decided that the first move was to send delegates to other countries, similar in composition to our own, to ascertain what solutions they had devised. I wish to take this opportunity of paying tribute to all the delegates who composed these missions and especially to the Etsu Lapai and the Waziri of Bornu who were their leaders. They returned here with reports which proved to be invaluable.

Our next step was to arrange for a Panel of Jurists to visit this Region, examine our judicial and legal systems, and make recommendations to us on the nature of the reforms which they considered necessary. We were fortunate enough to secure the services of an exceptionally distinguished team consisting of Sayyed Mohammed Abu Ramat, a distinguished Moslem Jurist and Chief Justice of the Sudan, Mr. Justice Mohammed Sherif, Chairman of Pakistan Law Commission and one of the best known Jurists in that country, and Professor Anderson of London University who has a world-wide reputation as an expert on Islam. These three eminent jurists were helped in their deliberations by the Waziri of Bornu, Mr Peter Achimugu, and the Chief Alkali of Bida.

I wish to draw the attention of the House especially to the following features of the Panel's recommendations.

First, it is intended to introduce a new Code. The new Code will be almost identical with those which have been in force for years in the Sudan and Pakistan and which have been proved perfectly acceptable to the millions of Moslems among the populations of those countries.

Secondly, I wish to point out that the introduction of a single criminal law, applicable all over the Region, will do more than anything else to reassure the non-Moslem minorities and to allay the apprehensions which they have felt in the past. Hon. Members will have noted that during the interim period, while the staff of native courts are being trained, the native courts will be guided but not rigidly

[PREMIER]

bound by the new Code. To cover this period, we have accepted the recommendation of the Panel that non-Moslems should be permitted to opt out of trial by Moslem Courts and that similar rights should be conferred on Moslems in non-Moslem Courts. The necessary legislation to give effect to this recommendation has already been introduced at this meeting. We regard this concession as particularly important and hope that it will enable the changes to proceed smoothly and hence make easier the application of the new Code by Native Courts.

Thirdly, I wish to say that the Government is in full agreement with the Panel in thinking that the complete regionalisation of the staff of native courts is premature. We consider that the measures now proposed, whereby provincial native courts will be established and will be staffed by servants of the Regional Government controlled by the Judicial Service Commission, represents an important but not over-ambitious innovation. I wish to emphasise and to reassure hon. Members that there is no question at this stage of regionalising your native courts; they are Native Authority institutions and for the time being they will remain so.*

The Regional Government has accepted the recommendations of the Panel *in toto*, subject only to two reservations. The first reservation concerns the difficulty of framing legislation to provide for native courts being guided and not bound by the new Code during the interim period while their staffs are being trained. This is a professional question which we must leave to the hon. Attorney-General and the Legal Draftsman. Our second reservation concerns the Panel's recommendation that in capital cases there should be an automatic appeal. My colleagues and I question the necessity of compelling a man to appeal if he has freely signified that he has no desire to do so and we should welcome the views of the House on this subject.

Mr President, Sir, in concluding my speech I must try to convey to the House my sense of the momentous gravity of these reforms. The nature of the law is a matter which affects every man, woman and child in this Region. Similarly, the structure of the courts and the quality of the men who sit in them are very closely bound up with the everyday lives of the people. We must blend the traditional and the progressive and we must try to satisfy

all sections of the community; I believe that the proposed reforms will achieve these ends, Sir, I beg to move.

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

Question proposed.

The Emir of Misau: Mr President, Sir, to go back to yesterday's questions, the Premier has made it clear to us that the Alkalai will remain where they are. The only thing that we do not understand is why the appointment of Alkalai should be made by Government for a Province. In capital cases we always ask the accused whether he agrees to the trial or not and we give him 14 days to think it over, and if he agrees that is the end of it. I do not think it is reasonable to force or compel an accused to appeal in capital cases if he does not wish to do so.

The Lamido of Adamawa: Mr President, Sir, I rise to speak on the Bill to amend the Native Courts Law

The President: The Bill has already been passed yesterday. But the Member may refer to it if he so wishes.

The Lamido of Adamawa: . . . but I still wish to say something on this Bill because although I have heard some of my Friends speak on the Bill I do not think this will interfere with our Moslem beliefs, but I would like to suggest something very important which I think those who spoke on the Bill had in mind. In my opinion, it is something that can be explained to the people

The Premier: "any difficulty that will be encountered will be explained".

The Lamido of Adamawa: . . . and if it is explained to the general public I do not think it will meet with any opposition; but without this explanation there will be difficulties. I am speaking because I know that we in this Region are of various tribes: we have people who welcome such amendments and those who do not welcome them. It would be advisable to send instructions to Residents and Native Authorities, and a circular should be sent to every Alkali. It is in this way that the Alkalai will understand the implications of this Bill. If the aim of this change is known then they will know how to treat cases, and if the public is enlightened on this Bill then they will be satisfied. I am sure if the Government does what I have suggested there will be no difficulties, and in my own opinion the

proposed changes are not contrary to our Moslem beliefs.

Mr President, Sir, I beg to support.

The Etsu Pategi: Mr President, Sir, we are satisfied by the explanation given to us by the Premier, but I wish to ask one question: when he said that an Alkali will be appointed for each Province, are the Chief Alkalai going to be appointed or will other Alkalai be appointed to the Provinces? I would like to have an explanation so that I can understand this situation, Mr President, Sir.

Chief of Nasarawa-Eggon: Mr President, Sir, I rise to support all that has been said by the Premier, but in it there was something that should be settled. May I have this chance to explain to the House the situation in another part of the country? We have native courts in our area and there are many thousands of Moslems in that area. Moreover many years ago there were these Moslems and we had an Alkali but his post was abolished later. I cannot give the reason for the abolition of the Alkali's post because I was young at the time. Indeed we have made many changes in order to please the people and this is a very good thing. What I want to point out now has been raised many times—that is about our wish to have an Alkali. I would like to have three, since we are more than one; we comprise Nasarawa-Eggon, Wamba and Mada. If it is not possible to have three at a time then we should welcome one at Akwanga. I would like this case to be considered as the Moslems in the area have been complaining to me about this for quite a long time. Mr President, Sir, I beg to support.

Chief of Kagoro: I rise to appreciate the Governments' work on this Motion. This shows that the Government is fully prepared to safeguard the peace and security of the country. I have thought about these things in the past and I make mention of them now in this House. Government has done something that will affect almost everybody in the Region, and will ensure the peace of the people. The provisions concerning the question of the trial of Moslems and non-Moslems are very good. It has been suggested that people may fear being tried in one court or another, but justice is done in all courts—there is no difference. If a man is tried in the Court he chooses, whether he loses his case or not he will not feel he has been unfairly treated in regard to the question of appeals. I support the previous speaker who said that people who do not wish to

appeal to a higher court should not be forced to do so. Finally I endorse what the Lamido of Adamawa has said in regard to the publicity that this new legal system should be given. It should be publicised everywhere in the Region.

It is ignorance that sometimes worries our people, but if everybody is to understand exactly what the working of this new system is I am sure there will not be any controversy over it because it has been fully explained. I support the Motion.

Chief of Wamba: Mr President, Sir, I rise to support the Motion moved by the Premier on the reorganisation of the legal system of the Northern Region, and, moreover, I endorse what the Lamido of Adamawa has said. There is no doubt there is something I can explain in regard to the speech of the Chief of Eggon. It is true that we had an Alkali before, but that was when he was very young, and the administrative officer and the other Chiefs concerned in the matter are all dead, and I am the only one left alive. There were not very many Moslems in this area, and because of this we abolished the Alkali's Court. We all agreed to it. I am giving this explanation because otherwise the reason would not be understood. I really appreciate what has been said by the Chief of Eggon, that an Alkali should be appointed because we have very many Moslems now living in our area. What I want to point out is that if anyone wants anything he wants it in full measure not in a small quantity, so that it will be a long time before he has to ask for more. It is therefore a good advice that three Alkalies should be appointed because the work would be too much for one man, and trials would last about six months. It is for this reason that I bring this point. I strongly support the Motion.

Emir of Dikwa: Mr President, Sir, I rise to associate myself with the words of this Motion. I have one point to raise in connection with opting out of trial. This proposal to allow option out of trial is really a good idea, but if it is not enforced in the proper way it will not serve any good purpose. In the words of the Lamido we have a variety of races in this Region. There are Moslems who pretend that they are non-Moslems and there are non-Moslems who try to opt out of trial pretending they are Moslems. I suggest that when the Government is going to implement this new system it should be enforced in the proper way. I support the Motion.

Hon. Premier: Mr President, Sir, I would like to express the appreciation of the Government for the support it has received on this Motion. The Emir of Misau has raised the question in connection with the appointment of the Alkalis. It is the Minorities Commission that visited this country who recommended that all Native Courts should transfer to the Regional Government, and the legal experts who were invited to this country by this Government did not agree with the suggestion but recommended that instead of all Native Courts in the Provinces transferring to Regional Government, Provincial Courts should be established by the Government. The use of these courts that are to be established in the Provinces is that it will be more easily accessible to the local people than going to the Moslem Court of Appeal. It will be found that a person who has been fined £5 Mr President, with your permission I would like to translate my speech myself. The example I have in mind is of a person involved in a case, say for £5 in Potiskum, if his appeal was to come to Kaduna he might have to pay say 30s fare, another 30s to go back, and he might have to spend £5 or £4 for his subsistence in Kaduna. It is to these kind of people that the provincial court would be of great assistance. It is from courts B, C and D that appeals would go to these provincial courts. This does not affect either the Emir's Court or Chief Alkali's Courts. This is a great relief for people who have to come here, but if someone found it necessary to continue further with his case to Kaduna, it is up to him to decide.

The Provincial Alkali and his staff would be Government servants so the fear that has been expressed that Native Authorities influence Native Courts does not arise here. As regards the publicity mentioned by the Lamido of Adamawa on the opting out of trial, I agree with him. As soon as the law is passed, the Commissioner for Native Courts is going to undertake an extensive tour of the Region and I am sure he will explain all to the Native Authorities and Native Courts. At the same time a circular will be issued from Kaduna to the Provinces and Native Authorities so that they will be able to translate them into local vernaculars so that people will be able to understand them without difficulty.

As regards the abolition of the Alkali's court which was brought by the Chief of Nassarawa I would like to say that if he and the other chiefs find that the population of Moslems

in their areas has grown to warrant an Alkali, it is up to them to approach the Resident with a recommendation to His Excellency the Governor for the establishment of a court. If it is found that the actual figures of the Moslem population warrants it I am sure it will be looked into.

So far we have heard words of congratulation and praise for what the government has done and also we have had advice on the question of asking a person to appeal in capital cases, whether he likes it or not. Well, the views expressed by chiefs will certainly be considered when a Bill is being prepared to be presented to this House later in the year. (*Applause*).

Question proposed.

Question put and agreed.

Resolved:

That this House accepts the Government's proposals contained in the Sessional Paper on the Re-organisation of the Legal and Judicial Systems of the Northern Region.
House suspended at 11.25 a.m.

House resumed at 11.45 a.m.

The 1958-59 Supplementary Appropriation (No. 2) Law, 1958 Second Reading

Question proposed.

Question on second Reading put and agreed to.

Bill accordingly read a Second time.

Bill committed to a Committee of the Whole House.

House in Committee

The Chairman: Instead of considering the Clauses, we are going to start with the Schedule.

Question proposed that the sum previously voted for the service of Head 221—The Governor—be increased by £3,150.

£3,150 for Head 221—The Governor—agreed to.

Question proposed that the sum previously voted for the service of Head 223—Premier's Office—be increased by £241,150.

£241,150 for Head 223—Premier's Office—agreed to.

Question proposed that the sum previously voted for the service of Head 226—Commissioner in the United Kingdom—be increased by £2,149.

£2,149 for Head 226—Commissioner in the United Kingdom—agreed to.

Question proposed that the sum previously voted for the service of Head 229—Public Service Commission—be increased by £2,365.

£2,365 for Head 229—Public Service Commission—agreed to.

Question proposed that the sum previously voted for the service of Head 231—Ministry of Agriculture—be increased by £6,319.

£6,319 for Head 231—Ministry of Agriculture—agreed to.

Head 233 and 234—for information only.

Question proposed that the sum previously voted for the service of Head 240—Ministry of Internal Affairs—be increased by £94,628.

£94,628 for Head 240—Ministry of Internal Affairs—agreed to.

Question proposed that the sum previously voted for the service of Head 243—Moslem Court of Appeal—be increased by £1,750.

£1,750 for Head 243—Moslem Court of Appeal—agreed to.

Head 249—For information only.

Question proposed that the sum previously voted for the service of Head 250—Ministry of Works, Maintenance Works—be increased by £120,060.

£120,060 for Head 250—Ministry of Works—agreed to.

The Premier: I rise to move the Motion standing in the name of the Minister of Finance on the Order Paper that consideration of Head 252—Works Extraordinary—do include the examination and approval of the Capital Estimates and the appendix to the Estimates. Chiefs will be aware that under Rule 7 of the Rules for the Operation of the Capital Development Fund all expenditure from the Fund is subject to approval by resolution of the Legislative Houses. Chiefs will, I think, agree with me that it is appropriate to consider this expenditure under Head 252—Works Extraordinary—after all other Heads of the recurrent estimates have been taken.

Sir, I beg to move.

Question proposed.

Question put and agreed.

The President: Members may ask any questions as we go along.

The following Heads of the Capital Estimates were then accordingly considered and approved:—

Head 280—Roads Development.

Head 281—Buildings, Ministry of Works

Head 282—Water Supplies (Government)

Head 283—Native Administration Water Undertakings

Head 284—Rural Water Supplies

Head 285—Other Public Works

Head 287—Other Capital Expenditure

Head 2317.—Cotton Development and Marketing

Question proposed “that the sum previously voted for Head 252—Works Extraordinary be increased by the sum of £3,330”.

£3,330 for Head 252—Works Extraordinary—agreed to.

Question proposed that the sum of £474,901 be the total of the Schedule to the Bill.

Question put and agreed to.

Clauses 1 and 2 agreed to.

Schedule agreed to.

Preamble agreed to.

House resumed

The Premier: I rise to report the Bill from the Committee of the Whole House, without amendment, and move that the Bill be read a third time and passed.

The Minister of Social Welfare and Cooperatives: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a third time and passed.

The Riot Damage Law, 1958

Order for Second Reading read.

Premier: I rise to move the Second Reading of the Bill entitled the Riot Damage Law, 1958.

As Chiefs may be aware, many countries in the Commonwealth have riot damage legislation and the Bill I am now offering for the consideration of the House has been drafted after scrutiny of other legislation.

The main point of the Bill is that it gives persons who are unfortunate enough to suffer damage to their property as a result of civil disturbances a legal right to compensation. This places on a statutory footing the present informal practice whereby Government may make *ex-gratia* payments.

The Governor-in-Council is also now enabled to determine how much should be paid by those responsible in the area of a riot and the proportion to be borne out of Government funds. The sum that can be paid from the Consolidated Revenue Fund cannot exceed twenty thousand pounds unless the Legislature has agreed.

A clear summary of the Bill is given in the Objects and Reasons printed with the Bill in the Gazette, and I think Members will not require any further explanation from me.

I should however emphasise most strongly that the presentation of this Bill does not imply

[PREMIER]

that Government fears or foresees the outbreak of civil disturbances. It does not, Sir. With God's help our future will be peaceful and not marred by riots of any kind. This Bill merely seeks to replace the present informal practice with comprehensive statutory provision.

Sir I beg to move.

The Minister of Social Welfare and Co-operatives: Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill Committed to a Committee of the Whole House.

House in Committee

Clauses 1-6 agreed to.

Clauses 7 and 8 agreed to.

Clauses 9-12 agreed to.

Clauses 13 and 14 agreed to.

Clauses 15-20 agreed to.

House resumed.

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

The Audit Law, 1958

Order for the Second Reading read.

The Premier: Mr President, Sir, I rise to move that the Bill entitled the Audit Law, 1958, be now read a second time.

Every Member of this House, Sir, will surely agree with me that a strong and effective audit is an essential part of all good administration. If such an independent audit of public accounts is to be properly maintained, the Director of Audit must clearly be insulated from politics and his independence must not only be a reality but must be plainly understood to be so. As Members will recall, the recent London Conference agreed that the procedure for the audit of accounts, as well as the office of Director of Audit and the tenure, salary and conditions of service of this office, should be entrenched in all Nigerian Constitutions.

The Constitution Order-in-Council itself cannot deal in any detail with Audit matter however and hence a Law, complementary to it, is now necessary.

I would also remind Chiefs of the important duty the Director of Audit has of assisting and advising the Joint Public Accounts Committee of the Legislature, which first met in October 1954, and which has operated with admirable assurance, certainty and effect. Here, Mr President, I would like also to express my gratitude to you for your services as Chairman of the important Committee and to welcome

your successor, Mai Bedde. I assure him that the Committee's activities are of great assistance to me and to this Ministry.

I will not take up Chiefs' time with details of the Bill itself, Sir, as they are plainly set out in the Objects and Reasons printed with the Bill in the Gazette.

Sir, I beg to move.

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

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-4 agreed to.

Clauses 5 and 6 agreed to.

Clauses 7-9 agreed to.

Clauses 10-12 agreed to.

House resumed.

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

The Assessment and Rating (Public Utility Corporations) Law, 1958

Order for Second Reading read.

The Minister of Land and Survey: Mr President, Sir, I rise to move the second reading of a Bill entitled a Bill for a Law to provide for the assessment of the value of tenements of public utility corporations for rating purposes, to provide what rates are to be levied in respect thereof and for purposes ancillary thereto.

The lengthy title of this Bill will have warned hon. Members that it concerns a matter which is technical in nature and which is unlikely to move this House deeply. Its purpose is to provide a separate and artificial method of valuing the special properties of certain Public Utility Corporations so as to arrive at an equitable assessment which will be fair and reasonable from both the Rating Authorities' and Corporations' points of view. Usually rates are assessed on the annual value of properties, that is the amount of rent which a reasonable tenant could be expected to pay on a yearly basis. This basis cannot be used for those properties of corporations which are so designed and constructed as to serve a special purpose and which would not be of use to any other person. For example, a signal-box on the Railway can be of little or no use to anyone else but the Railway Authorities and it would be assessed under the provisions of this Bill. On the other hand

houses which are lived in by railway employees will continue to be assessed like other dwelling-houses in the same neighbourhood.

Mr President, Sir, I beg to move that this Bill be read a second time.

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

Question proposed.

Question put and agreed to.

Bill accordingly read the second time.

The President: Committee?

The Minister of Land and Survey: Now, Sir.

Bill committed to a Committee of the Whole House.

House in Committee

Clauses 1-6 agreed to.

House resumed

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

The Children and Young Persons Law, 1958

Order for Second Reading read.

The Minister of Social Welfare and Cooperatives: Mr President, Sir, I rise to move the Second Reading of the Bill for Children and Young Persons Law. I commend this Bill to the House as a most progressive piece of legislation.

The problem of juvenile delinquency is one that has often been mentioned in the legislature, and the Regional Government has been given it close attention, because it realises how important it is to protect young people from drifting into a career of crime. Careful thought has therefore been given to the preparation of this Bill, and an *ad hoc* committee was convened in order to go through it in detail and to make sure that it did not contain any passages which would conflict with our customs and religious beliefs. This Committee met under the Chairmanship of one of the Law Officers, and comprised the Adviser of Moslem Law, the Wali of Bornu, Mr Peter Achimugu, the Junior Alkalai of Kano and Katsina and the Senior Social Welfare Officer. I think there will be general agreement that this committee has done its work very well.

The main objects of the legislation are to protect juveniles and to ensure that if they do get into trouble they are treated in such a way that they do not become hardened criminals. One means of achieving this object is to try and keep juvenile apart from adult criminals,

both during the period when they are waiting trial and after they have been convicted. One of the more important provisions of the Bill is therefore to provide for the setting up of remand homes in which young people can be detained, either while awaiting trial or while investigations are being made into the reasons for their getting into trouble. I am very glad to say that the value of remand homes has been appreciated to such an extent that a number of Native Authorities have started to open such homes, with financial assistance from the Regional Government. There is however at present no legislation in this Region governing their establishment. This is remedied in the present Bill.

Finally, Mr President, I come to that part of the Bill which deals with the prohibition of juveniles taking part in political activities. I think that everyone will agree with me that it is a disgrace to the country that young people should be exploited for political ends which may result in their being taken up by the Police. It is over two years ago that the Government gave an undertaking that it would take all possible measures to ensure that innocent children were not entangled in the web of politics. The Government has fulfilled this undertaking in Part VIII of the Bill.

Mr President, Sir, I beg to move.

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

Question proposed.

The Chief of Paiko: Mr President, Sir, I just want to ask a question. I do not know what type of juvenile is meant here because there are two types of juveniles. The first type has needy parents and he has to go hanging about the streets begging for alms, and the other type, his father may be well off, yet he goes hanging about with the first type. So I should like to know what type of juvenile is meant here. I have had experience in Minna that whenever a child is born, on his naming day the father has to go and get a political party card for him.

The Chief of Kagoro: Mr President, Sir, I rise to support the Bill. The protection of young persons from drifting into crime is a very important thing. If no steps are taken to protect them, the future of this country will not be good as the boys of to-day are the men of tomorrow.

With regard to the question of boys being induced to take part in political activities, I should like to say that such young persons

[CHIEF OF KAGORO] should be protected. I had already once made mention of this in this House. It is not good that a boy who is not fully grown up should adopt such bad habits. It is good to protect our children and to assist them. When they are grown up, they can be left to do what they want to do.

Reformatory Schools are very useful. We appreciate the fact that some Native Authorities have already started to build their own, and we appeal to the Regional Government to assist the smaller Native Authorities who have not got enough funds to build their own. I beg to support.

The Emir of Misau: Mr President, Sir, taking part in political activities by juveniles is very bad for their welfare. Boys who are five and six years old sometimes sing political songs, and we even hear them in our houses. They do not know exactly what the thing means. They do not know whether it is good or bad. They should not be allowed to indulge in politics until they are of age. Any person found inducing young children in this way should be dealt with severely likewise parents should be thoroughly warned about that, especially in attending meeting places. If parents do not bother to stop their children from attending political lectures, I want such parents to be punished. Such things have been worrying us for a long time.

It is just like giving medicine after death that juveniles and delinquents should be detained in reformatories. It is not necessary because there are some who leave their towns without the knowledge of their parents. Such juveniles when they are found should be handed over to their parents or to the Native Authorities immediately they are brought before the Alkali who should inform the parents that they should go and report weekly or monthly, where the child is and its condition. Only those who are beyond control should be taken to the Reformatory School because taking them to another place and treating them in such a way makes the juvenile feel guilty of a crime.

Again, the implementation of such a law in the Region will prevent *Koranic Mallams* from taking children to other places aimlessly. It will also prevent some children from becoming delinquents because if *Koranic Mallams* know that they will be dealt with seriously they will stop the habit of taking children from one place to another. Of course the parents want

to give the child the necessary education by handing him over to a local *Koranic Mallam* to train him. There are others who stay in their homes and after working on the farms they go back to the *Koranic Schools* and read their lessons. It is *Koranic Mallams* who are responsible for many of the delinquents. This law should be enforced.

The Premier: Mr President, Sir, I beg to move that Standing Order 4(1) be suspended in order to enable us to finish the business before the House. If it is not suspended the House will rise at 1 O'clock and then we will have to resume at 3 o'clock.

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

Question proposed.

Question put and agreed to.

Resolved:

That Standing Order 4(1) be suspended.

The Emir of Borgu: Mr President, Sir, I want to speak on the delinquents. The source of delinquency is often from parents. The fact is that if you have a son there are two alternatives: you can either take him to a *Koranic School* when he is very small, and if you do not like to take him to such a school then you can take him to a Junior Primary School. But if boys are left alone to roam about aimlessly they will obviously become delinquents.

In connection with the point raised by the Emir of Misau, I think if you do not want your child to go to any other place then you can of course automatically refuse it. We have many *Mallams (teachers)*. If you see that this *Mallam* is not reputable then you can take the child from that *Mallam* and hand him over to another. That very *Mallam* will realize that the way he treats the boys is not good because he is losing students. Then he will detect the reason himself. It is a very good advice that parents should send their children to a primary school. That is why I say that if there is a fault on the part of the father the child should not suffer for it. That is what I have to add. I support the Bill.

The Minister of Social Welfare: Mr President, Sir, I rise to express my appreciation for the way in which the House has supported the motion. It is a fact, as some hon. Chiefs have said, that this is a very good legislation and it will give us a lot of assistance in this Region. That is why I pray that when this law is enforced in this Region the Chiefs will give us their kind co-operation and assistance.

There are some questions that have been raised by some hon. Chiefs. On the point raised by the Emir of Paiko where he mentioned that there are two kinds of delinquents, those whose parents are needy and those whose parents are well off. This law applies to every juvenile. This law will be enforced in order to protect any juvenile, and to enlighten parents or guardians of the juvenile on their responsibilities to the juvenile.

The second question is about the issue of cards to babies immediately they are born and this is one of the duties of the native authorities concerned to stop such a thing. It is, as you have read, the intention of the Bill to protect young children from taking part in political activities especially the wearing of badges and the carrying of flags and similar things.

The Emir of Kgoro has raised the question in connection with juveniles taking part in politics and he also raised the question that Government should give assistance to Native Authorities who have no funds to build reformatory schools. I am assuring him that Government is giving this assistance to all Native Authorities even though they are well off. And again I want to explain a point which has been raised by the Emir of Misau that whenever a juvenile is apprehended he should not be detained but should be judged quickly and then discharged. I want to assure the Emir that this is the work of an Alkali; when work of this kind is brought before him he is responsible for deciding whether the boy should be handed over or discharged. There is another point which has been raised by the Emirs of Misau and Borgu, and this is that Government is taking steps concerning *Koranic Mallams*, and I want to assure the Chiefs that whatever the Government achieves on this subject it will keep all Native Authorities informed. Mr President, this is all I have to say in explanation; all other points that have been raised have already been dealt with.

Question put and agreed to.

House in Committee.

Clauses 1 - 38 agreed.

House resumed

The Minister for Social Welfare and Co-operatives: Mr President, Sir, I beg to report the Bill from the Committee of the

Whole House, without amendment, and move that it be read a third time and passed.

Question proposed.

Question put and agreed to.

Bill accordingly read the third time and passed.

Sultan of Sokoto: Mr President, Sir, before I move the adjournment, I should like to take this opportunity of expressing our deep appreciation and gratitude to our Northern delegates to the last London Constitutional Conference.

There is no doubt, our delegates fully demonstrated their statesmanship in negotiating and getting all that we wanted them to get for us. We really owe them a debt of gratitude. In particular I should like to pay tribute to the Premier (*applause*) for his courage and determination, and for his ability to work together with the leaders of other delegations, and to the Emirs of Kano and Katsina and the Atta of Igala for having so creditably represented the Northern Chiefs at the Conference.

Hon. Members may recall the various remarks made on the 12th of August, 1958, when this House was debating the Government White Paper on proposals for Self-Government. (*Applause*). It is gratifying to note that our delegates have succeeded in getting all that was asked for on that day, and therefore, they deserve our sincere thanks, and their achievement will be remembered for ever.

Mr President, I beg to move that this House do now adjourn *sine die*. (*Applause*).

Etsu Nupe: Mr President, Sir, I rise to support the Motion moved by the Sultan. The Sultan is right in bringing such a Motion and the success which they brought from London will help us and our children to reap the benefit. One of the successes was the obtaining of Self-Government for the Northern Region and the knitting together of the Region, and everybody throughout the world knows that the Northern Region is one united country. Those who do not know it will learn the facts when they read the proceedings of the House of Assembly and the House of Chiefs. May God help the Premier and his Chiefs to carry out this great task of Self-Government.

Question proposed.

The Emir of Ilorin: Mr President, Sir, I rise to express my gratitude to the Premier and

[EMIR OF ILORIN]

his Colleagues who went to London (*loud applause*) and to thank them for all they have done, and also to the Chiefs who are gathered here today and who gave their support, and we congratulate them on arriving safely from London, and we do indeed greet them and thank them.

The Ohinoi of Igbirra: Mr President, Sir, I would like to associate myself with the last speakers offering praises and congratulations on the fine and outstanding achievements of the Northern Delegates to the Constitutional Conference held recently in London. We were not there with you in person but we were with you in spirit. As I speak on this matter I am fully conscious that I have the support of all my people on my side. The delegates have certainly proved that they are worthy of our trust.

My hon. Friend, the Emir of Gumel, at the meeting of this House held on the eve of the departure of the delegates to the London Conference, warned that if the delegates failed to meet our wishes at the Conference, they should not return to Nigeria. I am glad that they have not only beaten our expectation but also have, as generally required by this House, indeed returned to us with freedom and honour.

I pray the Government to continue to be watchful. The North as a whole followed their stand with keen interest at the conference. We hope their stand in London will continue to be maintained. Freedom means continual struggle. What is happening now in the Near and Far East and in other places in Africa should remind us of the fact that parliamentary democracy is simply a name which can be abused, and that it is the conduct and attitude of the personalities that work and uphold it that make it really worth its name.

My hon. friend, the Atta of Igala, has once nicknamed the Northern Ministers "Doctors of Honesty". I do believe that all in this House fully endorse this nickname, and I pray that by the Government's honest guidance, Self-Government will bring peace and prosperity to this Region and to Nigeria as a whole.

Sir, I beg to second.

The Premier: Mr President, Sir, I rise to express our appreciation on behalf of myself and the Government for the words of praise that have been expressed now. What we have achieved would not have been possible without your co-operation and your prayers. We

appreciate your praise because we know that our honesty is from the guidance of God. Because the Ohinoi mentioned what the Emir of Gumel said before we went to London. I now want to reveal something that happened in London.

One day when I rose early in the morning, I found in my room, a cable from Nigeria, and as soon as I opened this cable, I found it contained some unpalatable words from a brother of mine. Whom do you think it was? The Sarkin Mussulmi. (*The Sultan of Sokoto*)! The words in this cable were—"Sardauna, you have left the North united and you should not let an inch go from the North". Although it is not customary for people to sweat in London, I did at that time. This encouraged me and all the Northern Delegates when I distributed copies of the cable to them. On that day the belt broke and Kabba and Ilorin remained in the North.

Mr President, Sir, there is another person whom I thought proper to express my gratitude to. Every time we talk of Ministers, there is someone among us who is a European, and who is not a Minister. That is our Attorney-General. (*Applause*). I am not going to praise or express gratitude to our Attorney-General, but I want to praise and express our appreciation to Mr H. H. Marshall; (*Applause*) Attorney-General is a title, but this particular man I have in mind has been working with us for over six years and has proved a most dependable gentleman and for that reason we give him the name of "Dottijo". (*Applause*).

Perhaps the Chiefs would be glad to know what will happen between now and the 15th March, 1959. It is hoped that all Chiefs and the Members of the House of Assembly will be in Kaduna before the 15th March, 1959, because there is going to be a short celebration on the 15th of that month. Although this falls during the month of *Ramadan*, we think it is appropriate for the Chiefs to meet before that time, so that they will not have to go and come back. Therefore, the House of Chiefs will meet on the 9th March. They will sit for four or five days, and then after the short celebration disperse to their Provinces.

It is known that there will be a big celebration in the month of May, and we know that it sometimes rains during that month. There are some people who are asking what will happen if it were to rain during that time. I want to draw the attention of the Chiefs to the shelter which

is just outside the Chamber here, which will be used in constructing Durbar Camp. We have made it with such materials that after the Durbar any Native Authority which would like it for a market stall can buy it. Therefore, there is nothing to worry about rains during that time.

Mr President, Sir, I should like to repeat our gratitude for the co-operation the Chiefs give

us (*Hear, hear*) and I wish them a happy return to their homes.

Resolved:

"That the House do now adjourn *sine die*." (Sultan of Sokoto).

House according adjourned *sine die* at forty minutes past One o'clock.

		C	
CHAIRMAN:			
	Supplementary Appropriation, Com. S. ...	...	204
CHILDREN AND YOUNG PERSONS:			
	Bill, 1R ...	...	176
	2R ...	...	209-210
	Com. S. and 3R ...	...	213-214
		G	
CASHASH, MALLAM IBRAHIM MUSA, MINISTER OF LAND AND SURVEY:			
	Assessment and Rating Bill, 2R ...	...	208-209
	Com. S. and 3R ...	...	209
	Goldsmiths Bill, 2R ...	...	188-189
	Com. S. and 3R ...	...	190
	Legal and Judicial System ...	...	200
GOLDSMITHS:			
	Bill, 1R ...	...	175
	2R ...	...	188-189
	Com. S. and 3R ...	...	190
GWAMNA, MALLAM, C.B.E., CHIEF OF KAGORO:			
	Children and Young Persons Bill, 2R ...	...	210-211
	Legal and Judicial System ...	...	201-202
		H	
HIGH COURT:			
	(Amendment) Bill, 1R ...	...	176
	2R ...	...	182-183
	Com. S. and 3R ...	...	188
		I	
ISA KAITA, ALHAJI, O.B.E., MADAWAKI OF KATSINA, MINISTER OF EDUCATION:			
	Amendment of Standing Orders ...	...	195
	Marketing Board (Amendment) Bill, 2R ...	...	190-191
		J	
JA'AFARU, MALLAM, C.M.G., C.V.O., C.B.E., EMIR OF ZARIA:			
	Native Courts (Amendment) Bill, 2R ...	...	185
JUNAIDU, MALLAM, WAZIRIN SOKOTO:			
	Native Courts (Amendment) Bill, 2R ...	...	183-184
		K	
KABIR, MALLAM MUHAMMADU, CIROMAN KATAGUM, MINISTER OF STATE:			
	Local Borrowings Bill, 2R ...	...	180
	Motion of Adjournment <i>sine die</i> ...	...	193
	Native Courts (Amendment) Bill, 3R ...	...	188
		L	
LAM IDO, MALLAM MU'AZU, MINISTER OF STATE:			
	Motion of Adjournment <i>sine die</i> ...	...	193
LIST:			
	Members of the Executive Council ...	...	x
	Members of Various Committees ...	...	xi-xii
	Officers of the House ...	...	xiii-xiv
LOCAL BORROWINGS:			
	Bill, 1R ...	...	175
	2R ...	...	180
	Com. S. and 3R ...	...	181
		M	
MARKETING BOARD:			
	(Amendment) Bill, 1R ...	...	176
	2R ...	...	190-191
	Com. S. and 3R ...	...	191
MARSHALL, MR H. H., Q.C. ATTORNEY-GENERAL:			
	Amendment of Standing Orders ...	...	193-195
	High Court (Amendment) Bill, 2R, Com. S. and 3R ...	...	181
	Native Courts (Amendment) Bill, 2R ...	...	182-183
	Com. S. and 3R ...	...	188

INDEX—continued

	Column
M—continued	
MOTIONS:	
Adjournment <i>sine die</i>	19
Authorising Purchase of Saving Bonds	195-196
Legal and Judicial System	197-200
MUHAMMADU BELLO, MALLAM, CHIEF OF PAIKO:	
Children and Young Persons Bill, 2R	21
MUHAMMADU KWORE, MALLAM, CHIEF OF WAMBA:	
Legal and Judicial System	20
MUHAMMADU SANI, ALHAJI, EMIR OF BORGU:	
Children and Young Persons Bill, 2R	21
Native Courts (Amendment) Bill, 2R	18
MUHAMMADU SANI OMOLORI, MALLAM, OHINOI OF IGBIRRA:	
Motion of Adjournment <i>sine die</i>	21
MUHAMMADU TUKUR, MALLAM, EMIR OF YAWURI:	
Goldsmiths Bill, Com. S.	190
MUSTAFA MONGUNO, ALHAJI, MINISTER OF AGRICULTURE:	
Officers of the Legislative Houses (Salaries) Bill, 2R	178
Papers Laid	173
N	
NATIVE COURTS:	
Bill, 1R	176
2R	182-188
Com. S. and 3R	188
NDAYAKO, MALLAM MUHAMMADU, C.B.E., ETSU NUPE:	
Motion of Adjournment <i>sine die</i>	214
O	
OBEKPA, MR ABUTU, MINISTER OF STATE:	
Goldsmiths Bill, 2R	190
High Court Bill, 2R	181
OFFICERS OF LEGISLATIVE HOUSE (SALARIES):	
Bill, 1R	174
2R, Com. S. and 3R	177-178
OGBADU, MR DANIEL, MINISTER OF STATE:	
Native Courts Bill, 2R	183
P	
PAPERS:	
Laid	173-174
PRESIDENT:	
Address of Welcome	1
Amendment of Standing Orders	19
Announcement	193
In Committee	178, 205, 209
Point of Order	130
R	
RESOLUTION	192, 193, 196-197, 204, 212, 218
RIOT DAMAGE:	
Bill, 1R	175
2R	206-207
Com. S. and 3R	207
S	
SAVING BONDS:	
Motion Authorising Purchase of	195-196
SHEHU USMAN, MALLAM, GALADIMAN MASKA, MINISTER OF INTERNAL AFFAIRS:	
Assessment and Rating Bill, 2R	209
Audit Bill, 2R	208
Marketing Board (Amendment) Bill, 2R	191
SPECIAL OFFICERS (SALARIES):	
Bill, 1R	174
2R, Com. S. and 3R	177
STANDING ORDERS:	
Amendment of	193-195

U

UMARU, MALLAM, EMIR OF PATEGI:	
Legal and Judicial System	201
Native Courts (Amendment) Bill, 2R	184
UMARU IBN IBRAHIM EL-KANEMI, ALHAJI, SHEHU OF DIKWA:	
Legal and Judicial System	202
USMAN NAGOGO, ALHAJI C.M.G., C.B.E., EMIR OF KATSINA:	
Motion of Adjournment	191-192