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NIGERIA

Western House of Assembly Debates

14th, 15th and 17th August, 1950



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12051

UNOFFICIAL MEMBERS

- The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G.,
The Oni of Ife.
- The First Member for the Oyo Province,
Chief I. B. Akinyele, O.B.E., the Osi Balogun of Ibadan.
- The Second Member for the Oyo Province,
Chief J. R. Turton, O.B.E., the Risawe of Ilesha.
- The First Member for the Benin Province,
Chief H. O. Osagie, the Aighobahi of Benin.
- The Second Member for the Benin Province,
Chief Idogu, the Olokpe of Okpe.
- The First Member for the Warri Province,
Chief Jessa Ogboru.
- The Second Member for the Warri Province,
Chief W. E. Mowarin.
- The Member for the Ijebu Province,
Chief A. O. Okupe, the Alaperu of Iperu.
- The First Member for the Abeokuta Province,
Honourable A. Soetan, the Aro of Kemta.
- The Second Member for the Abeokuta Province,
S. O. Bankole.
- The First Member for the Ondo Province,
Mr J. B. Arifalo-Adedipe.
- The Second Member for the Ondo Province,
Mr P. A. Oladapo.
- The First Nominated Member,
The Venerable Archdeacon L. A. Lennon, O.B.E.
- The Second Nominated Member,
The Honourable Akinpelu Obisesan, O.B.E.
- The Third Nominated Member,
The Honourable T. A. Odutola, O.B.E.
- The Fifth Nominated Member,
Mr E. A. Sanda.

ABSENT

UNOFFICIAL MEMBERS

- The Honourable Omo N'Oba Akenzua II, C.M.G.,
The Oba of Benin.
- The Fourth Nominated Member,
The Honourable G. I. Obaseki.

Prayers

His Honour the Chief Commissioner opened the proceedings
with Prayers.

Confirmation of Minutes

The minutes of the meeting held on the 18th of February, 1950, having been printed and circulated to Members, were taken as read and confirmed.

Oaths

The following took the Oath as Members of the House:

Mr J. M. Sleigh,

The Deputy Director of Public Works.

Mr J. H. Beeley,

The Acting Resident, Abeokuta Province.

Mr E. W. Momber,

The Acting Deputy Director of Agriculture.

Papers Laid

The Secretary, Western Provinces:

Your Honour, I rise to lay on the table the following papers:—

Bill for the Agriculture Ordinance, 1950.

Bill for the Produce Inspection Ordinance, 1950.

Bill for the Education (Amendment) Ordinance, 1950.

Bill for the Labour Code (Amendment) Ordinance, 1950.

Bill for the Nigeria Groundnut Marketing (Amendment) Ordinance, 1950.

Bill for the Nigeria Oil Palm Produce Marketing (Amendment) Ordinance, 1950.

Bill for the Land Registration (Amendment) Ordinance, 1950.

Bill for the Prisons (Amendment) Ordinance, 1950.

Bill for the Criminal Code (Amendment No. 2) Ordinance, 1950.

Bill for the West African Institute for Trypanosomiasis Research Ordinance, 1950.

Bill for the Aliens (Deportation) (Amendment) Ordinance, 1950.

Bill for the Native Authority (Amendment) Ordinance, 1950.

Bill for the Exchange Control Ordinance, 1950.

Bill for the Workmen's Compensation (Amendment) Ordinance, 1950.

Bill for the Consular Conventions Ordinance, 1950.

Bill for the Nigeria Coal Corporation Ordinance, 1950.

Bill for the Income Tax (Amendment) Ordinance, 1950.

Bill for the Native Lands Acquisition (Amendment) Ordinance, 1950.

Bill for the Customs (Amendment) Ordinance, 1950.

Bill for the Eastern Region Local Government (Amendment) Ordinance, 1950.

Annual Report, Western Regional Development Board, 1949-50.

Annual Report, Western Region Production Development Board, 1949-50.

Report of the Standing Committee on Finance.
Ordinances and Subsidiary legislation applicable to the
Western Region enacted or made since the last meeting
of the House.

Notices

Notices of the following motions were announced:—

- (i) Motion by the Acting Secretary (Finance), that the House adopt the Report of the Standing Committee on Finance.
- (ii) Motion by the Secretary (Development), that the House appoint members of the Electricity Advisory Council.
- (iii) Motion by the Secretary, Western Provinces that the House consider the matter of the future composition of the Central Legislature under the proposed New Constitution and make recommendations.

Questions

NOTE.—Replies to Questions Nos. 1, 48 and 50 by the First Member for the Oyo Province, No. 35 by the Second Member for the Warri Province, Nos. 40 and 44 by the Second Member for the Abeokuta Province of this Session are not ready.

The Fifth Nominated Member (Mr E. A. Sanda):

31. To ask the Secretary, Western Provinces:—

Would Government state why recommendation No. 2, pages 28 and 29 of the Commission of Enquiry into Conditional Sales, 1948, has not been implemented? The recommendation read: "We recommend the immediate establishment of a Central Trade and Commerce Advisory Board and of Regional Trade and Commerce Advisory Committees with the Constitution, objects and functions tentatively suggested by us below".

Answer—

The Secretary, Western Provinces:

In the Press release issued after publication of the Report of the Commission, Government stated:

"It has been the practice for the Director of Supplies to obtain the advice of Commercial experts and leading importers both African and European. Since the publication of the Report the executive responsibility for supply matters has been transferred to the Director of Commerce and Industries, who will continue to seek this advice When staff becomes available it is the intention to regionalise the Department and it is considered that it would be preferable for the formal establishment of Central and Regional Advisory Boards to follow rather than to precede the development of the Department".

At its meeting in November the Standing Committee on Finance gave approval in principle to the proposals for the expansion and regionalisation of the Department. The speed at which regionali-

sation of the Department proceeds now depends on the rate at which the necessary expert staff can be recruited and housing and office accommodation provided.

The Fifth Nominated Member (Mr E. A. Sanda):

33. To ask the Secretary (Development), Western Provinces:—

(a) What steps are being taken or can be taken to bring home to the ordinary farmer, in a form that he can understand, the activities of the Marketing Boards and their effect on the prices actually received by the producer?

(b) If there is in use any system of crop forecasting which would assist the farmer to assess at any time during the farming season what return he is likely to get from his crops, and if not whether some such system is being contemplated?

Answer—

The Secretary (Development), Western Provinces:

(a) Summaries of the meetings and other activities of the Marketing Boards are published in the *Nigeria Review* and *Western News* and press releases sent to newspapers. In addition, the Public Relations Department is always ready to provide any information available to those who ask for it and to give publicity to any statements of policy or explanations issued by the Marketing Boards.

(b) It is not possible to estimate with accuracy crop yields over the Western Provinces. Very little information is available regarding the annual production of food crops, and this information is not sufficiently reliable to put before the public.

It is possible to give a rough estimate of figures for export crops, but the margin of error is so great as to make them of little practical value to the farmer.

Agricultural surveys are now being undertaken and an investigation started by the Government Statistician which should enable more accurate estimates to be made in the future.

The Fifth Nominated Member (Mr E. A. Sanda):

34. To ask the Deputy Director of Medical Services:—

(a) Would Government explain why the scheme of drainage and land reclamation in Ibadan town which was vigorously pursued until recently has been abandoned?

(b) Can Government make known to the public any scheme or schemes to canalise and drain all the remaining swamps and streams in Ibadan town and what time they will be executed?

Answer—

The Deputy Director of Medical Services:

The Member is referred to the Memorandum on "Apportionment of Duties between the Government of Nigeria and the Native Administrations: Statement of Policy" published in 1947.

Ibadan town is not a "Township" and it is suggested that the question should be asked at a meeting of the Ibadan Native Administration Council.

(a) The drainage and reclamation of land in Ibadan has not been abandoned. During 1949 the new motor park at Ogunpa where 63,040 cubic yards of filling was completed brought into use an area of $3\frac{1}{4}$ acres and at Jubilee market 59,877 cubic yards of filling was carried out extending the area by over 3 acres. Work had to be suspended at Oranyan recreation ground as the Native Administration title to the land has not yet been fully established.

(b) Limited work on drainage is carried out continuously by the Native Administration Health Department. The drawing up of a major scheme will be one of the duties of the recently constituted Ibadan Town Planning Authority.

The Second Member for the Warri Province (Chief W. E. Mowarin):

36. To ask the Secretary, Western Provinces:—

(a) How old are the quarters of the Chief Warder at the Warri Convict Prison? What is their present estimated value?

(b) Is it not a fact that the Chief Warder and his family are extremely exposed to danger of fire and robbery by being quartered in a dilapidated thatch house of this type and that the situation is definitely out of proportion, bearing in mind that the prisoners he controls live in double storey concrete buildings?

Answer—

The Secretary, Western Provinces:

(a) About thirty-four years. £33.

(b) The quarters concerned are unsatisfactory. There is provision for new quarters in Appendix T of the current Nigerian Estimates.

The Second Member for the Warri Province (Chief W. E. Mowarin):

37. To ask the Deputy Director of Agriculture:—

(a) What other Province in the Western Region apart from Warri is without an operating Agricultural Office?

(b) Admitting that the farmers of Warri Province are less conversant with the modern method of farming, is it not considered expedient to direct more attention to teaching and improving their farming than hitherto?

(c) What are the present Agricultural activities in Warri Province?

Answer—

The Deputy Director of Agriculture:

(a) Ijebu Province.

(b) Yes, Sir. It is hoped that staff will soon be available for the purpose.

(c) Supervision of rice mills. Advice to Farmers' Unions, supervision and advice to private piggeries and investigation of applications for loans. This work is carried out by the Agricultural Superintendent stationed in Benin Province who spends a part of each month in Warri Province.

The Second Member for the Abeokuta Province (Mr S. O. Bankole):

39. To ask the Deputy Director of Public Works:—

Why is no Engineer posted any longer to Egbado Division of Abeokuta Province? Lack of one has lost a substantial amount for this Division on roads and buildings.

Answer—

The Deputy Director of Public Works:

The provision for Engineers in the estimates is as follows: Permanent Staff 13, Rural Water Supplies 2, Urban Water Supplies 8, Road Construction 6, Total 29. There are at present only 13 Engineers in the Western Region and until there is a very considerable improvement in the staff situation it will not be possible to post an Engineer to Egbado Division. The Provincial Engineer is, of course, available to assist with advice.

The Second Member for the Abeokuta Province (Mr S. O. Bankole):

41. To ask the Deputy Director of Medical Services:—

(a) When will the Egbado Hospital building promised for 1951 be started?

(b) Is it a fact that a doctor will be posted to Ilaro Rural Health Centre; if so, when will this be done to ease the condition of things till the real hospital is built?

Answer—

The Deputy Director of Medical Services:

(a) The decision as to whether or when a hospital will be built at Ilaro will have to await a final re-cast of the Development Programme. The medical facilities available in the Egbado Division at present include a Malaria Service Unit which is carrying out a comprehensive campaign of mosquito and malaria control at Ilaro; a Rural Health Centre with a resident Nursing Sister; and a Medical Field Unit under the charge of a Medical Officer. It is considered that these facilities together with the series of eleven Native Administration Dispensaries and seven Maternity and Child Welfare Centres are at present sufficient for the medical needs of the Egbado Division till a new hospital can be built.

(b) A doctor was recently posted to the Abeokuta (No. 4) Medical Field Unit with headquarters at Ilaro and will exercise some supervision over the Rural Health Centre there.

The Second Member for the Abeokuta Province (Mr S. O. Bankole):

42. To ask the Deputy Director of Education:—

How many students from Egbado Division of Abeokuta Province were admitted into Kings College, Lagos, and Ibadan Government College either on Scholarships or paying students since 1943, year by year?

Answer—

The Deputy Director of Education:

The number of boys from the Egbado Division of the Abeokuta Province who were admitted into Ibadan Government College year by year either on scholarships or as fee paying pupils since 1943 is as follows:—

1943	...	...	1
1944	...	...	1
1945	...	...	—
1946	...	...	—
1947	...	...	—
1948	...	...	2
1949	...	...	—
1950	...	...	2

It is regretted that no such records have been kept at King's College as would enable the Principal to answer the question.

The Second Member for the Abeokuta Province (Mr S. O. Bankole):

43. To ask the Secretary (Development), Western Provinces:—

(i) For a detailed statement of the various developments in the two divisions of Abeokuta Province made under the Ten-Year Development Plan up to this year?

(ii) What projects are in view to be carried out under the development scheme in these divisions?

(iii) To state how many applications for loans from the Development Fund by individuals, groups of individuals or societies in Abeokuta Province, have been received by the authorities?

(iv) The number of such applications which have received consideration and the amount of loans granted?

Answer—

The Secretary (Development), Western Provinces:

(i) (a) *The Rural Health Centre* at Ilaro has been completed. A Nursing Sister has been in charge since October, 1949, and attendances are increasing.

(b) *Medical Field Unit*.—The Medical Field Unit at Ilaro has been completed. A Medical Officer was posted there in early June, 1950, and a Sanitary Superintendent shortly afterwards. The Unit has made partial surveys in two areas and is now engaged in a third.

(c) *Mental Hospital, Abeokuta.* The acquisition of land for the Mental Hospital at Abeokuta has been completed and a reservoir for the water supply is under construction.

(d) *Rural Water Supplies.*—104 wells have been completed throughout the Province and work is proceeding on twelve more. Not all the wells have been successful and deepening is being carried out where necessary.

(e) *Village Reconstruction.*—In Egba Division expenditure on Village Reconstruction totalled £2,324 at 31st March, 1950. This money was spent on sanitary improvements for eight villages. In Egbado Division a grant has been spent on equipment for the Igbogila Reading Room and £167 has been paid to Ilaro Group Native Authority to assist in building retaining walls for the village streets.

(f) *Town Planning.*—Town Planning is being undertaken by the Egba Native Administration Surveyor. Plans are being prepared of improvements required for the markets and lorry park and planning areas. The sum of £800 allocated will be spent principally on compensating owners of property which will be acquired.

(g) *Feeder Roads.*—Three feeder roads have been completed in Egba Division:

	<i>Miles</i>
(i) Itori-Onigbedu	8 $\frac{3}{4}$
(ii) Atan-Lemomu-Akore	4
(iii) Imala-Olodo market	4 $\frac{1}{2}$

Two others totalling ten miles, are under construction. In Egbado Division the Ebute Igboro causeway has been completed but was not raised high enough to be above flood level and so was only of use in the dry season.

The Ijale-Oja Ata road has been completed.

The Ipokia to Ita Egba and Ijale-Aworo roads which total fifteen miles, are under construction.

(h) The Abeokuta portion of the Shagamu-Asha-Ibadan Trunk Road has been completed.

(i) *Urban Water Supplies.*—The Otta Water Supply has been renovated.

(j) *Anti-malaria Measures, Ilaro.*—An experiment has been undertaken to discover whether the regular spraying with Gammexane of the interiors of all buildings at three or four monthly intervals will so reduce the number of malaria-carrying mosquitos that no malaria will be transmitted. The work is controlled by the Senior Malariologist, Medical Department, and promises well.

(ii) The whole Development plan for the next five years is at present under review and details have not yet reached finality.

(iii) Nineteen.

(iv) Four completed applications have been considered by the Western Regional Development Board.

Three loans have been granted:

	£
(a) Lisabi (Fola) Footwear Co., Abeokuta ...	3,500
(b) Oluwalowi Weaving Industry, Ilaro ...	1,000
(c) Abeokuta Boys' School, Lafenwa ...	2,000

Many applications for loans from the Western Regional Development Board are incorrectly prepared or contain insufficient information for them to be considered by the Board and in such cases the applicants are asked to provide further information. Some applicants take no further action and their applications are therefore not put before the board. All applicants who reply to the requests for further information have their applications considered by the Board.

The Second Member for the Abeokuta Province (Mr S. O. Bankole):

45. To ask the Secretary, Western Provinces:—

Whether the Government will not consider it necessary to give Radio Diffusion facilities to Ilaro in Egbado Division of Abeokuta Province under the Development Scheme. If so, when?

Answer—

The Secretary, Western Provinces:

The provision of Radio Diffusion is not part of the Development Plan, but is paid for from the ordinary Estimates of Nigeria. Government is prepared to consider an application from any place in which 200 or more subscribers can be found, but it should be realised that there is already a long waiting list, and at the present rate of building and supplying equipment it will be at least three years before the applicants at present on the list, which does not include Ilaro, receive the Service.

The First Member for the Ondo Province (Mr J. B. Arifalo-Adedipe):

47. To ask the Secretary, Western Provinces:—

(1) Whether he is aware of the shortage of the Telephone in Ondo Province especially in Akure?

(2) Whether he is aware of the general complaint at Akure against the way earlier applicants for Telephone are omitted and more recent ones are served?

(3) Will he investigate this complaint to see if there is any substance?

Answer—

The Secretary, Western Provinces:

(1) There is no shortage of telephone instruments, and at Ondo outstanding installations will be put in hand as soon as line stores are available.

At Akure, however, the Public Exchange Switchboard is filled to capacity, and no new installations have been possible there for more than a year.

(2) and (3) In view of the answer to (1) above this complaint would appear unfounded. As a general policy, where shortage of equipment exists, applicants for telephones for business purposes are given priority over those who require telephones for social and domestic purposes, this being considered in the public interest.

The First Member for the Ondo Province (Mr J. B. Arifalo-Adedipe):

49. To ask the Deputy Director of Medical Services:—

(1) Whether he does not consider the present medical facilities in Ondo Province inadequate bearing in mind the distances people have to travel to get treatment?

(2) Whether the Government will consider building more hospitals in centres like Ondo, Ikare, and Ekiti areas?

Answer—

The Deputy Director of Medical Services:

(1) It would be correct to say that nowhere in Nigeria are present medical facilities considered adequate by modern standards but unfortunately our efforts to expand and improve them are severely handicapped by lack of funds and particularly of personnel. The medical facilities at present available in the Ondo Province are as follows:—

<i>Unit</i>	<i>No.</i>	<i>Beds</i>
Government Hospitals	2 (at Akure)	70
N.A. Dispensaries	40	—
N.A. Maternity Centres	4	28
N.A. Ante-natal and Child Welfare Centres	32	—
Mission Dispensaries	4	—
Mission Maternity Centres	1	3
Mission Ante-natal and Child Welfare Centres	2	—
N.A. Segregation Camp for lepers	1	—

(2) The decision to build hospitals at the centres indicated will depend on the availability of funds and will come up for consideration by the Regional Development Committee at its forth-coming meeting at the end of this session of the House of Assembly.

Motions

The Acting Secretary (Finance), Western Provinces:

Your Honour, I rise to move that the Report of the Standing Committee on Finance laid on the table today be adopted.

The Secretary, Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is that this Motion is acceptable to the House. Those in favour say "Aye" those to the contrary "No".

The "Ayes" have it.

The Secretary (Development), Western Provinces:

Your Honour, I rise to move the Resolution standing in my name:—

"That the House do appoint the following to be members
"of the Electricity Advisory Council in accordance
"with section 10 (2) (b) of the Electricity Corporation
"of Nigeria Ordinance, 1950.

"1. The Honourable Chief A. Soetan, the Aro of
"Kemta.

"2. Chief W. E. Mowarin.

"3. The Honourable A. Obisesan, O.B.E.

"4. Chief A. O. Okupe, the Alaperu of Iperu".

Early this year, and before the Electricity Bill became law, Sir, the Unofficial Members of this House were asked to put forward the names of those whom they wished to appoint to the Shadow Committee and whom they would subsequently wish to appoint to the Advisory Council, when the Ordinance became law. The four names just mentioned received the largest number of votes. I have no reason to suppose, Sir, that any change in that membership is desired by the House, and I therefore beg to move.

The Deputy Director of Public Works:

Your Honour, I rise to second.

His Honour:

The question is that this Motion is acceptable to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The Secretary, Western Provinces:

Your Honour, I rise to move the Motion standing in the Order Paper against my name. The Motion is in the following terms:—

"WHEREAS on the 1st of April, 1950, the Select Committee
"of the Legislative Council on the Constitutional
"Review recommended that Regional Houses should
"discuss the future composition of the Central Legisla-
"ture, with special reference to the desirability or
"otherwise of the introduction of the bicameral
"system, before a final recommendation of its
"composition was made by the Legislative Council to
"the Governor and the Secretary of State, be it resolved
"that this House shall now consider the matter and
"make recommendations".

I think before initiating a general discussion on this matter it would be as well if I indicated briefly the background against which the Motion should be seen. Members will remember that the

one major point on which the General Conference on the review of the Constitution was unable to reach unanimity was representation at the centre. Recommendation V.A. of the General Conference suggested that the Central Legislature should be composed of forty-five members from the Northern Region and thirty-three members each from the Eastern and Western Regions. The Northern delegates, however, abstained from voting on these figures and wished it to be recorded that they considered that the Northern Region should, in the Central Legislature, be given parity with the Eastern and Western Regions combined. Subsequently, when the recommendations of the General Conference were considered by a Select Committee of the Legislative Council at Enugu in March, this one point remained unresolved. In a final attempt to obtain agreement between the Regions, it was suggested that the possibility of a Central Legislature consisting of two Chambers instead of one would be worth consideration by the Regions; representation in the House of Representatives (the Lower House) would be based on population, and the composition of the Upper House based on equality between the three Regions.

Before considering this suggestion in more detail there is one important point which I think should be brought to the notice of this House. A motion in terms similar to that now under discussion has recently been debated by the Eastern House of Assembly. That House, by a majority vote, confirmed the recommendations of a Select Committee appointed to examine the question and voted in favour of a single house at the centre. The exact implications of this vote are not clear on the information that is available. What is clear, however, is the strongly expressed view of the Representatives of the Northern Provinces at the General Conference that if a single chamber legislature were adopted at the Centre, 50 per cent of the representation therein should be accorded to them. I can only imagine, therefore, that the Eastern House of Assembly recognises this view in making their recommendations. They have presumably looked at the proposals of the General Conference, as modified by the views of the Northern Provinces' representatives, and come to the conclusion that there are adequate safeguards for the interests of all the Regions, even if the Northern Provinces are conceded representation on a scale that they regard as essential.

I will now return to the possibilities of a Central Legislature consisting of two Chambers. This is a device which has been adopted by many advanced communities in different parts of the world. There are variations in details, but the general principle adopted is largely the same. In the Lower House, as I have remarked earlier, the basis of representation is population, in the Upper House there is equality of representation as between the component units. It will be for the House to consider whether such a system is suitable to Nigerian conditions and if so, whether it is the system that they wish to adopt. I would suggest to

Members of the House that I omit, at this stage, detailed exposition of the system as practised in other countries, and the possibilities that suggest themselves should this system be adopted in Nigeria.

There appear to be two courses of action now open to this House. Members may wish a general debate on the Motion before going into Committee. On the other hand Members may feel that the sooner they grapple with this important and difficult problem in Committee the better it will be. The House will doubtless now make its wishes known to the President. I suggest that whatever the feeling of the House as to the best method to be adopted I should reserve until the Committee stage a detailed statement.

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

The Resident, Benin Province:

Your Honour, I rise to second.

Oba Alaiyeluwa, the Oni of Ife (the Honourable Sir Adesoji Aderemi I, K.B.E., C.M.G.):

Your Honour, it is the wish of the Members of this House not to waste time on debate. We would like to go into Committee and discuss the matter there fully.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

Your Honour, I am of the same opinion.

His Honour:

The question is that a Committee of the House be appointed to consider the Motion of the Secretary, Western Provinces. Will those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The Committee will consist of—

- All Unofficial Members of the House;
- The Secretary, Western Provinces;
- The Senior Crown Counsel; and
- The Chief Commissioner in the Chair.

The House will now adjourn for twenty minutes and the Select Committee will then meet at twenty minutes to eleven.

House adjourned at 10.25 a.m.

Debates in the Western House of Assembly

Tuesday, 15th August, 1950

Pursuant to notice the Members of the Western House of Assembly met in the Assembly Hall, Ibadan, at 9 a.m. on Tuesday, the 15th of August, 1950.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Western Provinces,
His Honour Sir Chandos Hoskyns-Abrahall, C.M.G.
- The Resident, Benin Province,
Mr R. J. M. Curwen.
- The Secretary (Development), Western Provinces,
Mr H. L. M. Butcher, Co-opted Member.
- The Resident, Warri Province,
Mr R. L. V. Wilkes.
- The Resident, Ondo Province,
Mr T. B. Bovell-Jones.
- The Resident, Oyo Province,
Mr R. A. Vosper.
- The Secretary, Western Provinces,
Mr T. M. Shankland.
- The Acting Secretary (Finance), Western Provinces,
Mr A. G. R. Mooring.
- The Acting Resident, Abeokuta Province,
Mr J. H. Beeley.
- The Acting Resident, Ijebu Province,
Mr H. K. Robinson.
- The Deputy Director of Medical Services,
Dr S. L. A. Manuwa, O.B.E.
- The Deputy Director of Education,
Mr W. T. Mackell, O.B.E.
- The Acting Deputy Director of Agriculture,
Mr E. W. Momber.
- The Deputy Director of Public Works,
Mr J. M. Sleigh.
- The Acting Senior Crown Counsel,
Mr N. G. Hay.

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Prayers

His Honour the Chief Commissioner opened the proceedings with prayers.

Confirmation of Minutes

The minutes of the meeting held on the 14th of August, 1950, having been printed and circulated to Members, were taken as read and confirmed.

Papers Laid

The Secretary, Western Provinces:

Your Honour, I beg to lay on the table the following papers:—
Regulations Nos. 19 to 24 of 1949 and No. 28 of 1950 made under the Agricultural Ordinance, 1948.

Questions

The Second Member for the Warri Province (Chief W. E. Mowarin):

35. To ask the Deputy Director of Public Works:—

(a) Why has no work been done on the tarring of the Warri-Sapele road for two years?

(b) For what purpose have five wells been sunk between Warri and Effurun, a distance of four miles?

(c) What was the cost of each well?

(d) Is it intended to sink thirty-one wells along this road and, if so, would this not be a waste of public money in view of the fact that water is plentiful in the Warri Province?

(e) What tarring machinery has been sent to this road?

(f) How old are these machines?

(g) Can a definite statement be made as to when the tarring will be completed?

Answer—

The Deputy Director of Public Works:

(a) The difficulty of obtaining gravel in Warri Province has held up bituminous surfacing. Gravel is available only at Patani on the River Niger and has to be transported seventy miles to Warri by canoe. Owing to the increased building activity by Government and commercial firms, the supply is unable to meet the demand. It is proposed to change the specification for bituminous surfacing in this area and to use the local sand silt mixed with cold bitumen emulsion. This is a more expensive method than the existing specification and will probably produce a poorer surface, but it is the best that can be offered under the circumstances.

(b) The wells have been sunk to obtain water during the dry season for resurfacing prior to tarring.

(c) Concrete culvert rings are used which are recoverable when the wells are no longer required. The cost of labour sinking the wells is 15s each.

(d) It is intended to sink these wells along the road where required. They afford cheap and convenient water points and will result in a saving in Public Funds owing to the shorter distance water will have to be transported.

(e) and (f) Bitumen emulsion will be used and as this is applied cold no tar boilers are needed. A new Parker Paddle Mixer for mixing the road material mechanically is at Warri.

(g) It is difficult to say what the progress will be in view of the fact that a new specification is being introduced and the men will have to be trained in premix methods of bituminous surfacing. It is expected that the work will be completed in three years.

The Second Member for the Abeokuta Province (Mr S. O. Bankole):

44. To ask the Secretary, Western Provinces:—

What arrangement is the Government making for the approval of the Administrative Secretary for the Egbado Division?

Answer--

The Secretary, Western Provinces:

Proposals for provision for the post of Administrative Secretary or Executive Officer of the Egbado Native Administration have recently been submitted with the Advance Proposals for the 1951-52 Native Administration Estimates. The matter is receiving consideration.

Bills

A BILL FOR AN ORDINANCE TO MAKE PROVISION FOR REGULATING THE PLANTING AND GROWING OF AGRICULTURAL CROPS, FOR THE CONTROL OF PLANT DISEASES AND PESTS AND FOR MATTERS CONNECTED THEREWITH

The Acting Deputy Director of Agriculture:

Your Honour, I rise to move a resolution that this House do advise His Excellency the Governor that "The Bill for the Agricultural Ordinance, 1950", is acceptable to this House.

The Bill has been drafted, together with another Bill for Produce Inspection, to replace the Agricultural Ordinance (1948), with which Members are well acquainted. In studying these two Bills Honourable Members will have realised that they constitute little more than a division of the 1948 Ordinance into its two component parts, but the necessity for this division, so soon after the enactment of the parent legislation, may not be entirely clear to Honourable Members.

Since the Agricultural Ordinance became law in September, 1948, very considerable changes, which could not be foreseen, have taken place. The formation of the Marketing Boards, and the complementary establishment of the Department of Marketing and Exports, made it desirable that the Produce Inspection service of the Agricultural Department should also be under control of the Department most closely concerned with the export of Nigeria's produce. This service was therefore transferred to the Department of Marketing and Exports. The result of these changes was that the Department of Marketing and Exports

derived its authority from an ordinance designed to implement the policy of the Department of Agriculture and many anomalies and difficulties became apparent. It was evident that changes in legislation were necessary and Government accordingly established a committee under the Chairmanship of Sir Sidney Phillipson, C.M.G., and of which the Honourable the Director of Agriculture and the Director of Marketing and Exports were members, to examine the position created by these measures and to advise on the changes in the existing legislation which they considered necessary.

The Committee gave their considered opinion that there should be separate legislation relating to Agriculture and to Produce Inspection. Government accepted this view and the Bills which are now before the House were drafted.

As I have already explained, the Agricultural Bill which is now under consideration by Honourable Members is substantially the same as the old one amended to conform with the removal of the provisions covering produce inspection. It is still an enabling Bill and regulations made under it must receive the approval of the Legislative Council which can amend or revoke them under clause 7.

Clauses 1 and 2 are formal and contain definitions. Clause 3 provides for the appointment of Examiners. Clause 4 covers the constitution of the Board of Agriculture which, it will be noted, now includes the Director of Geological Survey. Under clauses 5 and 6 provision is now made for the terms of office of members of the Board, powers of the Board to co-opt, the Chairman's vote, and matters concerned with the meetings and proceedings of the Board. Clauses 7-17 are essentially the same as corresponding clauses in the old Bill and clause 18 makes provision for regulations already made under the 1948 Ordinance to continue—in so far as they are not repugnant to this Bill—until they are either amended or revoked by regulations made under clause 7 of this Bill or clause 8 of the new Produce Inspection Bill.

Sir, the need for this legislation is as great if not greater than ever before. It is an essential insurance for the economy of the farmer and of Nigeria, which is becoming increasingly vulnerable to the attack of introduced diseases as the speed and extent of transport facilities improve. Again, in the improvement of quality and production the progressive section of the industry must be safeguarded if it is not to be held down by the sluggards. The necessity for this legislation was expounded at length and studied in detail in 1948 and as Honourable Members have a heavy programme before them I will not delay them with a lengthy dissertation on matters which have already received their consideration.

Your Honour, I beg to move.

The First Nominated Member (The Venerable Archdeacon L. A. Lennon, O.B.E.):

A point of Order—Are we now departing from the Standing Rule to reading speeches? I do not quite understand.

His Honour:

The matter is at the discretion of the Chair.

The Secretary (Development), Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is "That this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-3.

Clause 4.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

Clause 4: Your Honour, this clause provides for two members appointed by Unofficial Members of the different House of Assembly. Are they confined to the Members of the House of Assembly?

The Acting Senior Crown Counsel:

They can be from outside.

His Honour:

The proposer of the Motion, do you agree that they need not be from within Membership of the House of Assembly?

The Acting Deputy Director of Agriculture:

Yes, that is the interpretation of the 1948 Ordinance.

The Third Nominated Member (The Honourable T. A. Odutola, O.B.E.):

I would say three members from the East and three members from the West. As it stands at present it implies that we have a House of Chiefs. While it is only the North that has a House of Chiefs.

The Acting Deputy Director of Agriculture:

The point I think of this Bill is really to safeguard the Agriculture for all areas. There is no question of differentiating between areas; the Ordinance is to safeguard on industry and I do not think that the Regional interests really come into it.

The Third Nominated Member (The Honourable T. A. Odutola, O.B.E.):

My point is that if more members are allowed to be appointed it would afford the farmers opportunity of having more men to represent their interest. It has been said that the members need not be all from the House of Assembly which means that it will be people from outside this House and the more farmers we are able to get to represent the interest of farmers the better. That is my point.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

I am inclined to agree; the Northern House of Chiefs is the only one in existence at the moment, we cannot take it for granted that we have more of such Houses already.

His Honour:

I would like the Member to propose an amendment which would be to the effect "*substitute* three for two".

The Third Nominated Member (The Honourable T. A. Odutola, O.B.E.):

I propose that the last two paragraphs under clause 4 be amended to read:—

“Three members appointed by the Unofficial Members of the Western House of Assembly.

Three members appointed by the Unofficial Members of the Eastern House of Assembly”.

His Honour:

Can we not say “Six members from the East and West and four from the North”. I think it is possible the North might feel that with their population they were under-represented.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

I do not agree.

His Honour:

As the law now stands there is only one House of Chiefs and we cannot anticipate possible legislation in the future because no one knows what that legislation will be.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

I support the amendment of my friend.

His Honour:

Will any Member second the proposed amendment.

The First Nominated Member (The Venerable Archdeacon L. A. Lennon, O.B.E.):

I beg to second.

His Honour:

Members can vote according to their conscience. The question is that clause 4 be amended by the substitution of the words "three" for "two" where it appears in the following sub-clause:—

Two members appointed by the Unofficial Members of the Western House of Assembly;

Two members appointed by the Unofficial Members of the Eastern House of Assembly.

Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

Clauses 5-12.

Clause 13.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

Clause 13.—Your Honour, I would like to submit that the fine of £200 for giving wrong information is too high. £200 seems too high for an offence of this nature. I know always the maximum penalty is fixed and it is always at the discretion of the Magistrate, but there are some cases in which one has to give right up to the maximum hence I like to amend that the maximum should be £100 instead of £200.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

I agree the Oyo Province people, through their Provincial Conference said the same thing as the Honourable Member has stated.

His Honour:

Do I understand that you are seconding the motion?

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

It will then be £100 or six months imprisonment or both.

The Acting Senior Crown Counsel:

When the Agriculture Ordinance was passed in 1948, the penalty was £200 just the same as it stands in this Bill. There was no objection then but if Members wish to provide for a less punishment, this can be done.

His Honour:

The Honourable Member feels that in spite of the fact that the maximum was £200 or one year's imprisonment or both under an Ordinance which has been in existence for some time, nevertheless you feel that that maximum is too high.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

That is so. Your Honour will remember that there were so many hues and cries raised against the 1948 Ordinance and that

Ordinance did not have a very smooth passage so that in respect of that Ordinance a new Bill is necessary.

His Honour:

Has the Mover of the Bill anything to say?

The Acting Deputy Director of Agriculture:

I have no objection if the House feels that the terms for the proposed penalties are too severe.

His Honour:

The question is that clause 13 be amended in terms of the motion, substituting "one hundred pounds or imprisonment for six months" for "two hundred or imprisonment for one year". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The question is that clause 13 as amended stands part of the Bill. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

Clauses 14-18.

Title.

Enactment.

House resumed.

The Acting Deputy Director of Agriculture:

Sir, I rise to report the Bill from Committee with two amendments.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House with the amendments recommended in Committee. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO MAKE PROVISION FOR REGULATING
THE INSPECTION AND GRADING OF PRODUCE INTENDED FOR
EXPORT, FOR THE CONTROL OF PESTS IN SUCH
PRODUCE AND FOR MATTERS CONNECTED
THEREWITH

The Secretary (Development), Western Provinces:

Your Honour, I beg to move a resolution that this House do advise His Excellency the Governor that "The Bill for the Produce Inspection Ordinance, 1950", is acceptable to the House.

Your Honour would not wish me to go further into the background of this Bill, which has already been explained in the speech of the Deputy Director of Agriculture introducing the Agriculture Bill. Both Bills form part of a new series of enactments which were formerly embodied in the one Agriculture Bill, and are the

result of the recommendations of the Committee over which Sir Sydney Phillipson presided to consider steps necessary resulting from the setting up of the Department of Marketing and Exports and from the setting up of the Marketing Boards, with the consequential changes of policy and practice resulting therefrom.

In considering this Bill, Sir, I would stress that it does not amount to fresh legislation, though the opportunity has been taken to include one or two necessary and new points. In essence, the Produce Inspection Bill and the new Agricultural Bill before the House represent merely the Agriculture Ordinance split into two component parts. Such alterations as have been made in the text of the sections transferred from the Agriculture Ordinance, 1948, are consequent upon the transfer of Produce Inspection Service to the Department of Marketing and Exports. The opportunity has also been taken to effect improvements of wording on re-drafting. The Produce Inspection Bill provides for the setting up of a Produce Inspection Board responsible for the controlling of policy. Clause 5 of the Bill makes provision for the appointment of such a Board. It will be noted that not only are Regional interests fully allowed for in the proposed membership, but also that there will be an unofficial majority on the Board. This clause is similar to clause 4 of the Agriculture Ordinance, 1948, but the Board will be a much smaller body than the Board of Agriculture primarily because of its more limited functions.

It is necessary for me to emphasise that throughout the Bill, the word "produce" is used as defined in clause 2, meaning "produce intended for export". I stress this point for two reasons, Sir. Firstly this legislation will not in any way affect the local marketing for consumption within Nigeria of the products listed in the Schedule to the Bill; secondly it is difficult to overrate the importance of the work of the Produce Inspection Service in maintaining the standards of quality of Nigerian export produce in the world market. On this point, Sir, in passing I would like to say that during a meeting of the Cocoa Advisory Board the other day, great tribute was paid by Members to the work of the Produce Inspection Department in raising the quality of Cocoa exported from Nigeria during the last year. A very high percentage of it—over 90 per cent—was Grade I, and this was one of the results of the excellent work done by the Produce Inspection Department. I have to repeat that what is submitted to this House for approval today is not, except for one or two points, new legislation but a revision of existing legislation made necessary by subsequent developments in the sphere of export produce. I would refer Members very briefly to the new points or clauses which have been included.

Clause 3 includes a certain number of new definitions which were not in the Agriculture Ordinance.

The word "Assistant Produce Officer" is defined because it is necessary to refer to this rank in the context of the Bill and in

the new Regulations. The word "Buyer" is included to prevent any confusion between "Buyers" as a section of traders, and the actual purchasers of produce. The definition of the word "clean" has been slightly re-worded in order to simplify it in comparison with its old definition in Regulations 12 of 1936. I shall be proposing, Sir, an amendment to the definition of the word "Examiner" when we are in the Committee stage. This is being amended to suit the amended title of Produce Inspector and, at the same time, to include any other rank of Examiner such as a Cotton Examiner. "Exportable standard" is a new definition used in order to link up with the standards set by the Marketing Boards in their Ordinances. The former definition of the word "Pests" has been re-drafted in order to be more explicit. "Possess for sale" is now defined in order to link up with the new draft regulations regarding produce for export.

Turning then to clause 8, Members will observe that clause 8 (1), (b), (c), (e) and (f) have a saving clause added to prevent any overlap of powers between the Marketing Boards and the Produce Inspection Board.

Clause 12, Sir, is new and is intended to make the provisions of section 13 apply in a current season. Clause 13 of the Bill empowers the Licensing Authority to refuse a Licence, but this, under existing conditions, can only be effected in the following year, in other words a year ahead. A buyer convicted of an offence at the beginning of any season can, at present, continue to operate till his Licence expires. Clause 12 (1) remedies this situation but confines the Licensing Authority to stating a period for the suspension of the Licence where such Licence is not cancelled. Members will observe that the power to cancel or suspend Licences is now to be given to the Licensing Authority with an appeal to the Produce Inspection Board, whereas under the present law this power is vested in the Court.

Clause 14 is very important. It empowers the Director of Marketing and Exports to authorise the export of sub-grade produce. The Agriculture Ordinance formerly authorised the Board to do so, but this was unworkable. The Board would have to meet every time such an occasion arose. The Director of Marketing and Exports is the obvious Officer to have such authority as he is in a position to advise whether a market exists overseas for the produce concerned.

The remainder of the Bill, Sir, is merely a re-statement of the existing provisions contained in the Agriculture Ordinance and I do not think this House wishes me to refer to every minor amendment of wording where the opportunity has been taken to do this in the interests of clarity.

Sir, I beg to move.

The Resident, Benin Province:

Your Honour, I rise to second that.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-3.

The Secretary (Development), Western Provinces:

I beg to move that the word "Examiner" the first time it is used in the definition—in the fifth word of that line—should be amended to read "Inspector" so that the clause will be "Examiner means a Produce 'Inspector' of the Produce Inspection Service" That is, amend the word "Examiner" to "Inspector" the second time it is used in that line.

His Honour:

The question is that the clause be amended in terms of the motion. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The question is that clause 3 as amended stands part of the Bill. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

Clauses 4-7.

The Fifth Nominated Member (Mr E. A. Sanda):

Clause 7, Sub-clause 6.—Your Honour, I wish to propose that a small amendment be made that "at a meeting of the Board, three members one of whom must be a member appointed by a House of Assembly and the Chairman shall form a quorum". The reason for this is that in clause 5 we find that there are three *ex-officio* members: the Director, the Deputy Director and the Registrar of Co-operative Societies and a member to be appointed by the Governor. While the proviso states here that three members and the Chairman shall form a quorum, there is every reason if the Chairman wants to hold a meeting to call the party and the member appointed by the Governor and the meeting will be held. I am therefore moving that a small amendment be made to that sub-clause.

The Third Nominated Member (The Honourable T. A. Odutola, O.B.E.):

I rise to second that.

His Honour:

Does your amendment refer to clause 7, sub-clause 6?

The Fifth Nominated Member (Mr E. A. Sanda):

The amendment is: --

“At a meeting of the Board, three members, one of whom would be a member appointed by the House of Assembly and the Chairman shall form a quorum”.

His Honour:

Three members, one of whom must be a member appointed by a House of Assembly?

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

I hardly see the point at issue, since a quorum must include the Chairman, and one of three remaining members of the quorum cannot but be an unofficial. Judging from the composition of the Board as stated in clause 5 the official members are only three, viz., the Director of Marketing and Exports, the Director of Agriculture, and the Registrar of Co-operative Societies, and one of them is the Chairman.

The Acting Senior Crown Counsel:

The point I would like to make is that when a meeting is held, all members will be sent a notice and if the unofficial members do not attend, that is purely their business, but they should be given an opportunity to attend.

The Acting Secretary (Finance), Western Provinces:

I would like to support the Risawe, the Director of Marketing is an official member but he is already chairman so there will only be two official members.

His Honour:

I think the point is that one of the members, not an official member, is appointed by the Governor and is not elected or selected from the House.

The Resident, Benin Province:

May I say, Sir, that I find the suggestion that the Director would call a sudden meeting so as to exclude unofficial members a most objectionable suggestion. It could not occur.

His Honour:

I think the objection would be if the Chairman of malice aforethought called a meeting so that it just had his friends in, but of course, it might easily arise. Some urgent matter might make it necessary to call a meeting. But I do not know if in the Bill there is anything stating the amount of warning required.

The Secretary (Development), Western Provinces:

There is no provision for that, Sir. I suggest that it would unduly restrict business if the membership of the quorum was expanded. One of the reasons for that is that it is important to export all sub-grade produce and sometimes it is necessary to do

so very rapidly. It might be that if the quorum was restricted in any way to make it compulsory to include one of the unofficial members who might not be available or not be easily accessible, the particular purpose for which the Board might be called would be nullified. I think it is proper we have it as is in the draft.

The Fifth Nominated Member (Mr E. A. Sanda):

I am saying that if these members appointed by the House of Assembly are not going to be placed there as ornament this amendment should be allowed.

Oba Alaiyeluwa, the Oni of Ife (the Honourable Sir Adesoji Aderemi I, K.B.E., C.M.G.):

I wish to say that why not amend the last section to read "One member not being an official".

His Honour:

Is that not the same?

The Acting Senior Crown Counsel:

I suggest the quorum be increased to four when of course, it would have to include an unofficial member.

His Honour:

Is that put forward as suggested amendment?

The Acting Senior Crown Counsel:

I think it would look less pointed in not emphasising a distinction between different categories of members.

The Acting Deputy Director of Agriculture:

There is a point that if the restrictive clause is introduced as suggested, the possibilities here under sub-clause 3 arise that there is a possibility that the Governor may have to appoint, in the case of illness of say two Members of the House of Assembly, another member to substitute, in which case he would not be eligible to sit and it might be impossible for the quorum to meet. If the suggestion of my learned friend is adopted there should be an adequate safeguard.

His Honour:

The danger is in increasing the number of your quorum you might be unable to obtain a quorum and its absolutely essential work is held up. That is a minor criticism of the wish to increase from three to four.

The Third Nominated Member (The Honourable T. A. Odutola, O.B.E.):

I know that in the past more than one Bill has been treated in this very manner before and we have not had any trouble. I do not see why there should be any difficulty in this particular case. I favour the amendment.

His Honour:

The Member who proposed the amendment in the first place, he prefers the wording that he proposed to the suggestion made by

the Senior Crown Counsel of substituting the word "four" for "three", which in fact if you substitute four for three you increase your quorum.

The Acting Senior Crown Counsel:

That is so, Sir, but it does make the provision that the mover of the amendment has in mind.

His Honour:

Does any other Member wish to speak?

The question is that clause 7, sub-clause 6 be amended by the introduction of the words:—

"At a meeting of the Board, three members, one of whom must be a Member appointed by a House of Assembly and the Chairman, shall form a quorum".

The question is in terms of the motion, those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The question is that clause 7 as amended stands part of the Bill.

Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

Clauses 8-10.

Clause 11.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

Clause 11. As in the case of the Agriculture Ordinance, I feel that the fine of £200 or imprisonment for one year should be amended to read a fine of £100 or imprisonment for six months. The last portion of clause 11 refers.

The First Member for the Benin Province (Chief H. O. Osagie, the Aighobahi of Benin):

I second that.

His Honour:

Are the offences in this Bill the same as the offences in the previous one?

The Acting Senior Crown Counsel:

They are not the same and these seem to be more serious. I see forgery here. Forging licences appears an extremely serious offence and the Criminal Code provides for at least three years imprisonment for forgery. Obtaining a licence by false pretences, is also punishable with one year imprisonment in the Criminal Code.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

Much as I would like to support the Honourable Member from the Oyo Province, but the offences under this Bill are more or less felonious whereas those in the previous one are not so serious so that I am of the opinion that the penalty imposed here should not be disturbed.

so very rapidly. It might be that if the quorum was restricted in any way to make it compulsory to include one of the unofficial members who might not be available or not be easily accessible, the particular purpose for which the Board might be called would be nullified. I think it is proper we have it as is in the draft.

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Does any other Member wish to speak?

The question is that clause 7, sub-clause 6 be amended by the introduction of the words:—

"At a meeting of the Board, three members, one of whom must be a Member appointed by a House of Assembly and the Chairman, shall form a quorum".

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Much as I would like to support the Honourable Member from the Oyo Province, but the offences under this Bill are more or less felonious whereas those in the previous one are not so serious so that I am of the opinion that the penalty imposed here should not be disturbed.

His Honour:

Does the Member wish to press?

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

I agree.

Clauses 12-13.

The Fifth Nominated Member (Mr E. A. Sanda):

Clause 13. I wish it to be understood by the House that I am not pleading for people to be dishonest but I want to explain circumstances which make clause 13 (b) unnecessary in that offence in the case of produce inspection is such a technical thing that hardly people who are not intimately engaged in such an industry can hardly understand; but when we have to consider produce buying and produce trade is trade all the same as people who are doing business in the shops and other places; and that licences are issued according to this Ordinance when it becomes law, at the same time, licences could be withdrawn. Now for a person who has offended against the law by dishonest practice somewhere and has got his money and wants to engage in produce trade this clause 13 (b) debar him from engaging in such business and unless it is the intention to ruin such a person completely in life, I find that this sub-clause is entirely unnecessary.

His Honour:

Who is the Licensing Authority?

The Acting Senior Crown Counsel:

He is appointed under the Regulations. At present, it is the Produce Officer. It says that the Licensing Officer "May"—that is the operative word.

His Honour:

That was why I asked who was the Licensing Authority. You all realise that the clause is permissible, that is, as you say, the Licensing Authority *may* refuse, it does not say it *will* refuse.

The Fifth Nominated Member (Mr E. A. Sanda):

I have some knowledge of this produce business a little knowledge of course and I know the practices of the day between the produce buyers and the produce inspectorate. I find that the tone of this sub-clause will be stretched too far when it comes to actual practice and I quite agree that in the case of a person offending against this rule when he is engaged in produce business he should be debarred from further participation but a man who is not engaged in such a business (that is, produce buying) and because he has offended somewhere else and has been convicted in something on which he was then engaged, and so he should not be allowed to have a Licence, which means he would not be able to do business. So I still say that the sub-clause should be entirely

removed. The practice of this sub-clause would not be to the benefit of the general public, who, in most cases, are illiterate and the people who are not Government Officials; and the people who are not engaged in produce business hardly can understand how this sub-clause is used against them.

The Secretary, Western Provinces:

I wonder if the last speaker has considered the very considerable safeguard which exists under sub-clause 2. There is right of appeal there in any case where the Licensing Authority has refused to grant a Licence. The appeal must be dealt with expeditiously because provision is that the appeal must be lodged within twenty-one days and the facts will then be considered by the Board on which there is an unofficial majority.

The Acting Senior Crown Counsel:

I think it would be illogical if that sub-clause was removed because offences under the Ordinance are only punishable with imprisonment for one year but other offences involving dishonesty, may be punishable with many years imprisonment, with the result that you would have some dangerous and perhaps confirmed criminals being able to obtain licences under these Regulations.

The Second Member for the Warri Province (Chief W. E. Mowarin):

I am rising to support the amendment because I feel that there should be in it nothing to do with previous convictions. A man must be given an opportunity of turning a new leaf, and I think this suggested clause should be deleted as said by Mr Sanda.

Oba Alaiyeluwa, the Oni of Ife (the Honourable Sir Adesoji Aderemi I, K.B.E., C.M.G.):

Your Honour. I wish to suggest to the mover that he should withdraw his objection to that particular clause because there has been a safeguard. If we wish to maintain the good reputation of our products for the overseas markets I know very well that we must ship good quality. I know that, as a business man, he feels very much for those who would suffer. That is the reason why he is putting his motion. I believe there should be some safeguard and the word "may" is sufficient, but if that is not sufficient, I would advise him to substitute "may refuse to grant him a licence for a period of three years" or so.

The Second Member for the Ondo Province (Mr P. A. Oladapo):

Since the onus does not rest on the Licensing Authority, I see no reason why we now amend it.

His Honour:

I would like to make it quite clear to the House that the clause as it stands gives power to the Licensing Authority to refuse a licence where a person has been found guilty in Court of course, of an offence involving dishonesty. Now the Licensing Authority is a single individual and the House may quite properly think that a single individual in case like that may be at fault or he may be

over strict and so on. He is fallible. But I would like once more to draw your attention to the fact that if the African is dissatisfied with the decision of the Licensing Authority he has got an appeal to the Board, and I think that we can take it that the Board, as constituted under this Bill, is composed of reasonable people who are not going to do down somebody without a very good reason for doing so. So if the proposer of this amendment is prepared to carry on with it, I very much regret I shall have, on the Government side, I shall have to suggest that we do not support the amendment. Because I myself am perfectly satisfied that it is quite out of the question that a person will be refused a licence and having appealed to the Licensing Board they also refuse to accept his submission and they confirm the refusal. I am in my own mind absolutely satisfied that there is a very good reason indeed for that refusal. But if the Member wishes to pursue the amendment, then by all means put the matter to the vote.

The Fifth Nominated Member (Mr E. A. Sanda):

From the speeches of the Honourable Members I quite see that the point I am really driving at appears not to be understood. The point is that clause 13 (a) provides that where an applicant for a licence has been convicted of an offence against this Ordinance or any regulation made hereunder or has been convicted of an offence involving dishonesty but not in produce trade and has perhaps been sentenced for three months or two months whatever the terms of imprisonment may be in other walks of life and is sent out of that employment and simply because he has been found guilty for dishonest practice once therefore he is not being allowed to be granted a licence. There comes my point that this sub-clause would do more harm to people than good that we intend it to do. It will not allow some people to turn over a new leaf as the Honourable Member for Warri mentioned.

His Honour:

Is the Member seriously suggesting that some person who has committed some very minor offence which may be described as an offence involving dishonesty which has got nothing to do with the Produce Inspection, is the Member seriously suggesting that the Licensing Authority, on those grounds, is going to refuse him a licence and, not only that, but if he appeals to the Board, the Board are going to refuse him a licence because he has been convicted of some minor offence of dishonesty. Surely a Licensing Authority and the Board are people of reasonable intelligence and common sense who are not going to just kick a man because he has at some time committed some minor offence. Take it for granted that Licensing Authorities and Boards consist of people of normal and average intelligence who have no desire whatever to do a person down for the sake of doing him down. That is why I feel that the amendment is acceptable.

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The Second Member for the Warri Province (Chief W. E. Mowarin):

I think that dishonesty is dishonesty. If a steward is charged with stealing his master's tins of milk and is sentenced he is a bad steward boy, but he may perhaps turn out to be a very good produce buyer, and that is why I am in favour of the amendment.

His Honour:

There has been an amendment suggested in a tentative way that it would be a Licence for one or two years, but would you prefer to go ahead with your own amendment.

The Fifth Nominated Member (Mr E. A. Sanda):

I am withdrawing.

His Honour:

I hope you do not feel I have brought pressure on you to withdraw.

The Third Nominated Member (The Honourable T. A. Odutola, O.B.E.):

The reason why my friend has made the amendment has been made clear to the House and it appears that the whole House agrees with him that he is quite right in his point and since that is clear to the House I do not see why he should press further.

Clauses 14-29.

Clause 30.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

Clause 30. Your Honour, this clause seems to put some difficulty in the way of produce buyers. Now, Sir, the inspection, passing and grading of produce, I think, was established to secure good quality and grading of the produce. Now, Sir, when the inspection, passing and grading had taken place by officers of the Government and necessary seals affixed and everything done, I think to turn round and put the onus of proof that the inspection or grading was not properly done on the produce buyer seems to me to be a hardship. The quality of the produce inspected should be made known by the Inspector and I think that should be an evidence of the quality of that produce, and if anything at all be required, the onus should be on the side of the Government, and not on the side of the owner, that is why I move an amendment to this that "Passing or grading of such produce shall be a *prima facie* evidence of the quality of purity thereof" instead of "shall not be conclusive evidence of the quality of purity thereof".

His Honour:

The suggestion is that clause 30 should be deleted because the amendment you are suggesting would be practically the case surely if it was not there at all.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

No, Sir, the clause seeks to throw the onus on the produce buyer, but I say it should throw the onus on the Government. It

is Government that supplies the Inspector who undertakes the passing and the grading of the produce.

His Honour:

Well, that is a technical matter on which I am not in any position to express a view.

The Acting Senior Crown Counsel:

This clause is exactly the same as section 30 of the Agriculture Ordinance which was passed in 1948. As the clause provides "shall not be conclusive", I think grading would still be evidence of the quality. It does not mean that grading is of no evidential value at all. Furthermore, I think the reason is that if cocoa has been graded and passed, and if afterwards it should be found to have been improperly graded and to have been bad, which has happened in the past in Nigeria, then it is not right that the grading should be conclusive. This clause might then remedy an obvious injustice.

His Honour:

We are questioning the accuracy, with respect to my learned friend. Surely any grade which the evidence before the grade is accepted but if the clause is removed it is impossible for evidence to be obtained at all; to say that because it has been inspected therefore it is conclusive

The Acting Senior Crown Counsel:

I agree there might be difficulty about obtaining evidence; but the clause puts the law beyond doubt that grading shall not be conclusive. In the absence of such a clause, a Magistrate might hold grading was conclusive without examining any other relevant evidence.

The First Member for the Abeokuta Province (The Honourable A. Soetan, the Aro of Kemta):

The reason why I am stressing this point will be more obvious to my learned friend the Senior Crown Counsel because we have been faced with this difficulty several times. Where a produce buyer has had his produce examined, graded, passed, sealed and sent away, he is sometimes brought to the Court to come and face certain trial that when the produce was opened at the other end it was found not to be of good quality. My point is this, that the onus should not be thrown on the produce buyer or the produce owner, who as it were, has been exonerated by the Examiner or the Produce Inspector who has graded, passed and inspected the produce and sealed it. If the amendment is read in this way it shall be the Produce Officer who is responsible; then the produce buyer or owner, if charged, will come to the Court and will say if you have no other evidence as to its quality and purity the onus should be upon you and not upon me. I am anxious that our products should be of the highest quality, but my point is that the Inspector who inspects or grades will be more careful when he knows he is

throwing a great responsibility on the Government to accept the purity and the quality he advises. I am only trying to urge this in defence of the public.

His Honour:

Quite a reasonable point.

The Fifth Nominated Member (Mr E. A. Sanda):

I am in sympathy with the proposer of the amendment and also with the reasons he has given but as many people know, I have practical knowledge of produce buying and grading. I think this portion as it stands should remain. It should be the burden of both inspection and the seller without which the purity of produce we are all asking to be higher will continue to be a danger to the country's economy. I am not saying that the people engaged on produce work are dishonest but I say that without the weight of responsibility on both sides, it will not work well at all.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

I should like to know from the Department of Agriculture the object of inserting this clause. Who is it intended for, or for whose benefit has it been put in?

The Acting Deputy Director of Agriculture:

The object of this clause, as has already been pointed out by my learned friend, is that it shall not be conclusive. That is the operative word. That it shall not be conclusive evidence of the quality. It has been in operation since 1936 and is included in the various other regulations and has worked very well. It was accepted in the previous 1948 Ordinance. Without any doubt, it was carefully examined with due reference to previous experience of the regulations as they were before, and as they have worked since 1936 without undue hardship it was included again for that reason, that it should not be conclusive evidence, but it *was* evidence.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

For whose benefit was the clause inserted?

The Acting Deputy Director of Agriculture:

It is not intended for the benefit of anybody except the industry which the Regulation is designed to protect.

The Secretary, Western Provinces:

May I speak on this point from practical experience? A few years ago a parcel of produce—cocoa—was graded in Ibadan. That cocoa was purchased by one of the exporting firms as an Agent for the West African Produce Control Board, and the West African Produce Control Board sold that parcel on the world market. As it happened, when the cocoa was being loaded onto the ship, it was discovered that it made rather a hollow clanking

noise and the first bag was opened and a very considerable amount of rock and other extraneous matter was found; the value of the cocoa involved was very considerable. In the dispute which subsequently arose, the exporting firm sought to establish that the cocoa having been so graded, should be paid for as Grade I Cocoa and they wanted to maintain that the Produce Control Board could not escape liability for paying them in full. The Produce Control Board relied on the clause in the Ordinance as it then stood which, as the Deputy Director of Agriculture has already pointed out, has been in operation since 1936 and in that way, the responsibility for this deterioration was, fixed on the exporter. I think that for the benefit of the Export Trade it is absolutely essential that this clause should be moved as it is.

His Honour:

Thank you, that gives the answer that I have been looking for. What is the real reason for it. In the case of Government responsibility to pay the price of Grade A Cocoa for stuff which eventually was discovered to consist of rocks, etc.,—you might remind the House that the money paid by the Government in a case like that comes out of the pockets of the Nigerian taxpayer. However, if you wish, we will certainly proceed with your amendment.

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

The remarks of the Secretary, Western Provinces, really clarifies the point I am pursuing. Namely, who was that Inspector that passed the bag of cocoa as being of the highest grade when it was not? Or since when did that bag of cocoa deteriorate when the seal and everything had been done? If it is *prima facie* evidence of quality or purity it throws the onus upon Government, not upon the produce owner or produce buyer. It will impress upon both of them in this way that when the Produce Inspector knows that this is going to give him trouble as well as trouble to the produce buyer he will be more careful. He says, all right, good quality, fine quality, first class. According to this clause now he is out of it but if it is *prima facie* evidence and any question arises he will not altogether be absolved from responsibility. Let it read that it is *prima facie* evidence of the quality and purity thereof.

His Honour:

How will the clause read?

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

Just the last line:—

“ Passing the inspection or grading of such crops shall be *prima facie* evidence of the quality or purity thereof ”.

His Honour:

I can see that if this amendment is passed you will have to fight it out again in Legislative Council.

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

Of course that responsibility will be mine.

His Honour:

The question is that clause 30 be amended in terms of the motion. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

(*Doubtful*).

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

I press for a division.

His Honour:

Officials can vote according to their conscience. As a point of order I think, Extraordinary Members have no vote.

The Second Member for the Warri Province ...	...	Aye
The Second Member for the Ondo Province ...	...	Aye
The Second Member for the Benin Province ...	...	Aye
The Second Member for the Abeokuta Province ...	...	Aye
The Fifth Nominated Member ...	...	Aye
The Third Nominated Member ...	...	Aye
The Second Nominated Member ...	...	Aye
The First Nominated Member ...	...	Aye
The First Member for the Abeokuta Province ...	...	Aye
The Member for the Ijebu Province ...	...	Aye
The First Member for the Ondo Province ...	...	Aye
The First Member for the Warri Province ...	...	Aye
The First Member for the Benin Province ...	...	Aye
The Second Member for the Oyo Province ...	...	Aye
The Hon. Sir Adesoji Aderemi I, K.B.E., C.M.G., the Oni of Ife ...	...	Aye
The Acting Senior Crown Counsel ...	...	Abstained
The Deputy Director of Public Works ...	...	No
The Acting Deputy Director of Agriculture ...	...	No
The Deputy Director of Education ...	...	No
The Deputy Director of Medical Services ...	...	No
The Acting Resident, Ijebu Province ...	...	No
The Acting Resident, Abeokuta Province ...	...	No
The Acting Secretary (Finance), Western Provinces ...	...	No
The Secretary, Western Provinces ...	...	No
The Resident, Oyo Province ...	...	No
The Resident, Ondo Province ...	...	No
The Resident, Warri Province ...	...	No
The Resident, Benin Province ...	...	No

His Honour:

The result of the voting is "Ayes" sixteen, "Noes" twelve, one abstention.

The "Ayes" have it.

I should like to say it is a very good point that you made there. I personally am glad that the "Ayes" have it because it will give Government an opportunity before Legislative Council, to state in a categorical terms why this clause has been inserted where it has been.

The question is that clause 30 as amended stands part of the Bill. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The Fifth Nominated Member (Mr E. A. Sanda):

I wish the discussion over clause 13 (b) to be recorded in the minutes in full.

Clause 31.

Schedule.

Title.

Enactment.

House resumed.

The Secretary (Development), Western Provinces:

Sir, I beg to report the Bill from Committee with three amendments.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House with the amendments recommended in Committee. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE FURTHER TO AMEND THE NATIVE
AUTHORITY ORDINANCE

The Secretary, Western Provinces:

Your Honour, I rise to move that the Standing Rules be suspended in order that the Bill which appears next on the Order Paper may be taken at a later stage. In this relation perhaps I should say that there are certain points of this Bill which dovetail with points in the Education Amendment Ordinance which will be moved later by the Deputy Director of Education. I think that the House will benefit by taking the Education Ordinance first and hearing from the Deputy Director of Education certain points that arise which have ramifications in the Native Authority Amendment Ordinance.

His Honour:

The question is in the terms of the motion, those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

AN ORDINANCE FURTHER TO AMEND THE LABOUR CODE
ORDINANCE (CHAPTER 99)

The Acting Senior Crown Counsel:

Your Honour, I rise to move a resolution that this House advises His Excellency the Governor that a Bill for "An Ordinance further to amend the Labour Code Ordinance", is acceptable to this House.

Clauses 2 to 5 and 10 to 13 of this Bill are designed to incorporate in our law certain provisions that were contained in three International Labour Conventions adopted in 1947.

Clause 2 of the Bill deals with the power of Labour Officers which are necessarily very wide in order that Labour Officers will be able to supervise efficiently the working of the Ordinance.

Clauses 3, 4 and 5 impose certain restrictions on the payment of wages which are designed to protect the worker, and I am sure that the House will agree that these are wise provisions. To the worker cheered by intoxicating liquor, his pay packet might seem inexhaustible at the time and therefore clause 3 means that he will be spared temptations of that nature at the place where he is paid.

Clause 4 regulates advances in respect of wages since if these were unrestricted, the labourer might find himself at the end of the month, continually in debt to his employer.

Clause 6 provides chiefly for the protection during the journey for the family of a recruited worker. The family travelling under strange conditions in strange lands, might easily be caught up in an illegal traffic unless provision is made to protect them.

Clauses 7 and 8 are also designed to improve the conditions of workers who are recruited for service outside Nigeria by making the provisions more flexible.

Clause 9 amends the existing law concerning the exaction of Labour for communal services. The consent of the Governor is no longer required for the execution of certain services, but I would point out to the House that a substantial majority of such inhabitants of the village or town must agree before these compulsory services can be exacted from the people.

Clauses 10 and 13 are designed to protect young persons by raising the age, for example, under which they can be employed, from 14 to 15. Already Nigeria has a very enlightened and liberal labour code and I think the House will agree that these amendments are a positive step forward.

Your Honour, I beg to move.

The Acting Resident, Abeokuta Province:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House.

Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-4.

The Acting Senior Crown Counsel:

There is a slight amendment to clause 2 under (g), "shall be found" to read "shall be bound".

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

Clause 4. Why is it stipulated that a sum of £1 should be advanced?

The Acting Senior Crown Counsel:

I do not know the answer to the question, but the wages are possibly not so very high in this country that this one pound is supposed to bear a reasonable relationship to the wage.

His Honour:

Would the Member be satisfied if enquiry were made as to the reason for that?

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

I thank you.

Clauses 5-13.

Title.

Enactment.

House resumed.

The Acting Senior Crown Counsel:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE NIGERIA GROUNDNUT MARKETING ORDINANCE, 1949.

The Acting Deputy Director of Agriculture:

Your Honour, I rise to move a resolution that this House do advise His Excellency that the Bill for "An Ordinance to amend the Nigeria Groundnut Marketing Ordinance, 1950", is acceptable to the House.

Under section 26 (1) of the Nigeria Groundnut Marketing Ordinance, 1949, the Nigeria Marketing Board applied funds for development purposes in the Northern Provinces from whatever source they were derived, but in the Eastern and Western Provinces

it can only allocate funds to the Western and Eastern Regional Production Boards for development purposes in proportion to the profits on the produce purchased under this Ordinance in these areas. In order to bring them into line with each other, this amendment has been introduced so that in future allocations between the various Regional Production Development Boards will be in proportion to the value of produce purchased within the Regions and it will be irrespective of the source from which the funds are derived. It will not be necessarily profits from produce purchases, but interest on investment and similar sources of revenue, and it is for that reason that this amendment has been introduced to remove the anomaly which was present in the original Bill.

Your Honour, I beg to move.

The Acting Resident, Abeokuta Province:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

The Acting Senior Crown Counsel:

I think the clauses are in order.

Clauses 1-2.

Title.

Enactment.

House resumed.

The Acting Deputy Director of Agriculture:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE NIGERIA OIL PALM
PRODUCE MARKETING ORDINANCE, 1949

The Acting Deputy Director of Agriculture:

Your Honour, I rise to move a resolution that this House do advise His Excellency the Governor that the Bill for "An Ordinance to amend the Nigeria Oil Palm Produce Marketing Ordinance, 1949", is acceptable to this House.

The object of this amendment is the same as the previous one, which as I explained, is to rectify an anomaly which arose due to the wording of the Bill. Under this Bill the Eastern and Western Regional Production Development Boards may receive funds irrespective of source from which the funds were derived. In the Northern Provinces allocations can only be made from the Regional Production Development Board in proportion to the proceeds from the purchase of produce in that area and the same applies to the Colony, so, in order to rectify this anomaly, this Bill has been introduced.

Your Honour, I beg to move.

The Resident, Ondo Province:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-2.

Title.

Enactment.

House resumed.

The Acting Deputy Director of Agriculture:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE FURTHER TO AMEND THE LAND
REGISTRATION ORDINANCE

The Resident, Ondo Province:

Your Honour, I rise to move a resolution that this House do advise His Excellency the Governor that a Bill for "An Ordinance further to amend the Land Registration Ordinance" is acceptable to this House. Sir, it is my good fortune to introduce a Bill about which there cannot possibly be any contention. Members are aware that in every civilised country the common law is built up on case law and this Bill is to ensure that copies of all judgments, maps or plans, pertaining thereto should be transmitted to a land registry to be specified by the Governor by the Registrars of the West African Court of Appeal, the Supreme Court and

Magistrates Courts within two calendar months from the date of the judgment. Members may not be aware that copies of judgments in land cases of Residents Appeal Courts are sent to the Regional Lands Officer in accordance with an executive instruction and they will no doubt appreciate that this compilation of information affecting land tenure will be invaluable in the future.

Your Honour, I beg to move.

The Secretary (Development), Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-5.

Title.

Enactment.

House resumed.

The Resident, Ondo Province:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE PRISONS ORDINANCE

The Resident, Benin Province:

Your Honour, I beg to move a resolution that this House do advise His Excellency the Governor that the Bill for "An Ordinance to amend the Prisons Ordinance" is acceptable to this House in principle.

This Bill empowers the Director of Prisons to make Standing Orders binding on Prison Officers in matters affecting good order, discipline and welfare. The Standing Orders will require formal approval by His Excellency: there is, therefore, no question of arbitrary, autocratic orders being made by a Head of Department without control from above.

I understand from the Director of Prisons that Standing Orders of this kind are a most important feature of Prison Administration in the United Kingdom and in most colonial territories and

protected territories. They are intended mainly as administrative directives to guide officers in charge of Prisons. Experience elsewhere is that they are of great value to Prison Officers, superior and subordinate. These Standing Orders are designed, or will be designed, to ensure uniform, well-considered, reasonable conditions of imprisonment for convicted and unconvicted prisoners throughout the country. This House is concerned with the welfare of such prisoners. I would not suggest that any of us personally are likely to be affected by them. In brief, the Bill's objects are to increase the general efficiency of Prison Administration and I commend the Bill to the approval of the House.

Your Honour, I beg to move.

The Resident, Warri Province:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-2.

Title.

Enactment.

House resumed.

The Resident, Benin Province:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE FURTHER TO AMEND THE CRIMINAL
CODE ORDINANCE

The Acting Senior Crown Counsel:

Your Honour, I rise to move a resolution that this House advise His Excellency the Governor that a Bill for "An Ordinance further to amend the Criminal Code Ordinance" is acceptable to this House.

As the law stands, certain offences in relation to girls under the age of thirteen are criminal offences and one of the principal objects of this Bill is to raise the age below which such acts constitute offences, from thirteen to fifteen years of age. The effect of clause 2 is to make it an offence for a man to have carnal knowledge of his wife if she is under the age of fifteen years.

Clause 6 provides for the defence of a person who believes on reasonable grounds that the girl is above the age limit. This defence is at present provided for in our law but it is now sought to impose certain limitations which would bring the law into line with that prevailing in the United Kingdom.

The Bill provides for corroboration being necessary in the case of offences of uttering seditious words as distinct from other offences of a seditious nature that are contained in section 51 of the Criminal Code.

Corroboration is required by law in offences such as perjury, treason, certain offences on girls, breach of promise and other odd actions and offences, but as the law stands in England in respect of sedition, there was no provision for corroboration. This provision for corroboration in our own law seems to have been in the Criminal Code for a long time. The only real reason for the necessity of corroboration would seem to be that, for example, in the case of perjury, the words are uttered and therefore a mistake might be made in hearing or recollecting them. Similarly in the case of sedition, if seditious words are spoken, then it would be wise for two people to give evidence and confirm what they heard, but where there is a seditious libel or a seditious writing, then apparently no logical reason exists why there should be corroboration. I would reassure the House if no corroboration was required in most seditious cases, that the onus of proof is always on the prosecution to prove its case beyond all reasonable doubt, so that an accused person would still have adequate safeguards. What happened the other day in Lagos when the Attorney-General was prosecuting a case of sedition illustrates the difficulty of complying with the provision for corroborative evidence. He was forced to adopt the expedient of sub-poenaing the staff of the newspaper and the Directors, and I think, even the solicitors concerned to try and prove who were the persons responsible for writing and publishing the articles. Of course, if people would be brave enough to come forward and own up to publishing the seditious words then, of course, corroboration could be more easily obtained, but if they like to shelter behind the cloak of obscurity, it is sometimes impossible to find the necessary corroboration. Therefore I commend this provision to the House so our law may fall into line with that in other countries.

Your Honour, I beg to move.

The Secretary, Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-3.

The Second Member for the Warri Province (Chief W. E. Mowarin):

Your Honour, perhaps, I may just read these words "Finally, carnal knowledge means carnal connection which takes place otherwise between a husband and his wife, the wife being of or above the age of fifteen years". Your Honour, I think this will bring some sort of hardship to some people in my part of the country. A marriage between men and young girl is still allowed in my own part of the country. If this amendment is allowed, it will mean that a husband having connection with his wife, if she is at age of fourteen, will be punishable by law. This is against the native law and custom of my people, and I know that there are some young girls at the age of ten or twelve who have babies, and it is legal in my part of the country, for a husband to have connection with his wife when the wife has started to see her monthly period. I would suggest that the age stipulated here be reduced to twelve instead of fifteen.

His Honour:

I fear the Member has no seconder.

The Second Member for the Warri Province (Chief W. E. Mowarin):

It will be unfortunate, Sir, if I have no seconder.

The First Member for the Warri Province (Chief Jessa Ogboru):

I beg to second.

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

I do not know whether the mover will insert thirteen as it was before because the previous age was thirteen years which is now raised to fifteen.

The Acting Senior Crown Counsel:

I would like to point out that it is not an offence at all as the law stands, for a husband to have connection with his wife whatever her age.

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

The offence did not extend to husband and wife before, and I do not know why it should be wanted now.

His Honour:

Is the Member asking a question? If so, I could think of an answer—because we are becoming a more civilised country.

The Acting Senior Crown Counsel:

The Criminal Code defines "unlawful carnal knowledge" as carnal connection otherwise than between husband and wife.

The Second Member for the Warri Province (Chief W. E. Mowarin):

I do not think it is fair enough not to allow this section to remain as it was; but I feel I would be able to score more votes on my side if I should in my motion reduce the age to thirteen instead of twelve years.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

Your Honour, I have to support the motion instead of the amendment from what we hear from medical practitioners, it is a dangerous thing for a young woman to be in state of pregnancy before she has actually matured. It is in exceptional cases that we find girls come to maturity before they are fifteen years old and, if we allow this practice, I am afraid it may be injurious not only to the girl but also to the child that may be born by her. I should like this opinion to be confirmed by the Deputy Director of Medical Services, because I have heard it from my youth, and still believe it to be true in view of my later experience about husbands and wives.

The Deputy Director of Medical Services:

I had wished to speak on this subject. I quite agree with the Risawe that it is most undesirable for the young to be allowed to get into a state of pregnancy before they are actually matured. We had in Nigeria some years ago Professor Ellis of the Care of Child Welfare in Edinburgh. He came round here and collected a great deal of statistics which proved that the age of the onset of menstruation in this country is older than is usually thought and that the age is between thirteen and fourteen. If the amendment to this Bill gives the age as fourteen rather than twelve or thirteen, I may be prepared to accept it on medical grounds.

His Honour:

The amendment is to substitute fourteen for fifteen.

The Second Member for the Warri Province (Chief W. E. Mowarin):

May I say that many people given medical advice do not always take it, and this is sound medical advice, but it is not a question of advice. Say, Sir, that a marriage has taken place according to native law and custom. Let us look to the natural side of it. The husband and wife have been living together and in the opinion of the husband his wife is of age to have children. Supposing that he has never had a child and this is his first wife. Well, I am thinking in terms of my people, and I believe this as well affects many people of other parts of the country.

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

I was wondering why is it that we have to interfere with the state between husband and wife. I would suggest that the amendment be that unlawful carnal knowledge means carnal knowledge

when it takes place other than between husband and wife—woman being of or above the age of fifteen years; reading the “woman” leaving the question of husband and wife out.

His Honour:

You are up against the difficulty of defining “wife”?

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

There is no definition of “wife” here. I do not think it would be stretching the law too far if we leave it as it is, if we say “the woman” then it will be clear.

His Honour:

Is the Honourable Member suggesting that carnal knowledge of a wife under fifteen, does the young woman or girl no harm, but if she is not his wife it does do her harm?

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

Hitherto the law has kept clear of interfering between contract between husband and wife and we have heard from the Deputy Director of Medical Services that a woman is quite mature when she has reached the age of fourteen. To every rule there must be an exception. Rather than stretch the criminal evidence into the realm of husband and wife we leave that severely alone and say “carnal knowledge” should be carnal knowledge other than between husband and wife and the “woman” being above the age of fifteen.

The Acting Senior Crown Counsel:

“Unlawful carnal knowledge” is a constituent of numerous offences and the implications of a change in this definition as suggested may be considerable.

His Honour:

How does the section 6 read?

The Acting Senior Crown Counsel:

“Unlawful carnal knowledge” means carnal connexion which takes place otherwise than between husband and wife.

His Honour:

How would it read if it was amended?

The Acting Senior Crown Counsel:

“Between the husband and his wife, the woman being of the age of fifteen years”.

The First Member for the Abeokuta Province (The Hon. A. Soetan, the Aro of Kemta):

As the law is at present it will meet the case but if you still wish to fix the age, then

The Acting Senior Crown Counsel:

I do not think it would make any legal difference, referring to “woman” since this relates back to “wife”.

His Honour:

Delete the clause "Wife being of or above the age of fifteen"?

We will take the last proposed amendment first. The amendment addressed by my learned friend I hope all Members understand the implication of the Member's amendment.

The Second Member for the Warri Province (Chief W. E. Mowarin):

I would be willing to join with Mr Soetan.

His Honour:

The question is in terms of the motion, those in favour say "Aye", those to the contrary "No". We will take a division.

Those on the Official side can vote according to their conscience.

The Second Member for the Warri Province	Aye
The Second Member for the Ondo Province	No
The Second Member for the Benin Province	Aye
The Second Member for the Abeokuta Province	Aye
The Fifth Nominated Member	No
The Third Nominated Member	No
The Second Nominated Member	No
The First Nominated Member	No
The First Member for the Abeokuta Province	Aye
The Member for the Ijebu Province	Aye
The First Member for the Ondo Province	Aye
The First Member for the Warri Province	Aye
The First Member for the Benin Province	No
The Second Member for the Oyo Province	No
The First Member for the Oyo Province	No
The Hon. Sir Adesoji Aderemi, K.B.E., C.M.G., The Oni of Ife	No
The Acting Senior Crown Counsel	Abstained
The Deputy Director of Public Works	No
The Acting Deputy Director of Agriculture	No
The Deputy Director of Education	No
The Deputy Director of Medical Services	No
The Acting Resident, Ijebu Province	No
The Acting Resident, Abeokuta	No
The Acting Secretary (Finance), Western Provinces	Abstained
The Secretary, Western Provinces	Abstained
The Resident, Oyo Province	No
The Resident, Ondo Province	No
The Resident, Warri Province	No
The Resident, Benin Province	No

The result of the voting is "Ayes" seven. "Noes" nineteen, three abstentions. The motion is therefore lost.

The Second Member for the Warri Province (Chief W. E. Mowarin):

I understand from the Deputy Director of Medical Services that a girl at the age of fourteen is well matured; he being an authority

on the point, Sir, I would suggest finally the age be fourteen instead of fifteen and that the word fifteen be deleted and fourteen inserted.

His Honour:

What is the exact terms of the motion—that the word fifteen be deleted and “fourteen” inserted?

The Deputy Director of Medical Services:

I would like to correct the last speaker. I did not say a girl of fourteen was matured. I said that the onset of menstruation or puberty was between the ages of thirteen and fourteen.

His Honour:

The question is in terms of the motion, those in favour say “Aye”, those to the contrary “No”.

The “Noes” have it.

The Second Member for the Warri Province (Chief W. E. Mowarin):

Sir, I would press for division, please.

His Honour:

We will take a division.

The Second Member for the Warri Province ...	...	Aye
The Second Member for the Ondo Province ...	...	No
The Second Member for the Benin Province	...	No
The Second Member for the Abeokuta Province ...	...	No
The Fifth Nominated Member	...	No
The Third Nominated Member	...	No
The Second Nominated Member	...	No
The First Nominated Member	...	No
The First Member for the Abeokuta Province	...	Abstained
The Member for the Ijebu Province ...	...	Aye
The First Member for the Ondo Province ...	...	Aye
The First Member for the Warri Province ...	...	Aye
The First Member for the Benin Province ...	...	No
The Second Member for the Oyo Province ...	...	No
The First Member for the Oyo Province ...	...	No
The Hon. Sir Adesoji Aderemi, K.B.E., C.M.G.,		
The Oni of Ife ...	...	No
The Acting Senior Crown Counsel ...	...	Abstained
The Deputy Director of Public Works	...	No
The Acting Deputy Director of Agriculture ...	...	No
The Deputy Director of Education ...	...	No
The Deputy Director of Medical Services ...	...	Abstained
The Acting Resident, Ijebu Province	...	No
The Acting Resident, Abeokuta Province ...	...	No
The Acting Secretary (Finance), Western Provinces		
		Abstained
The Secretary, Western Provinces ...	...	No
The Resident, Oyo Province ...	...	Abstained
The Resident, Ondo Province	...	No

The Resident, Warri Province	...	...	...	No
The Resident, Benin Province	...	...	...	Abstained

The result of the voting is "Ayes" four, "Noes" nineteen, six abstentions, the motion is therefore lost.

The Resident, Benin Province:

Clause 6 (b). Can I get the reason?

The Acting Senior Crown Counsel:

This is the law of the United Kingdom and also the Dominions. I think the idea is that there should be some uniformity.

His Honour:

Would you let us know the general terms of (a) 221, are they all dealing with carnal offences, and section 222—otherwise it cannot be clear to Members.

The Acting Senior Crown Counsel:

Defilement of girls under thirteen and above eleven and indecent treatment of girls under thirteen.

His Honour:

It is a point of opinion. Could you say that it is a defence to a charge of the particular offence? In other words, if he proves that he is not twenty-two years of age, then he has.....

The Acting Senior Crown Counsel:

Yes, allowance is made for the impulsiveness and inexperience of youth.

His Honour:

Is the Member who raised this point asking for an amendment?

The Resident, Benin Province:

No.

The First Member for the Abeokuta Province (The Hon. A Soetan, the Aro of Kemta):

I do not know whether Your Honour will grant me the indulgence of referring to section 3. It was passed over before I noticed. Hitherto the law was for corroboration to be necessary. That advantage is now being removed. I do not know what the Attorney-General has to say about this removal because a man is really considered to be innocent until the charge is proved against him. Hitherto our law requires that before he can be convicted there must be corroboration, but now that it is being removed he can be convicted on the uncorroborated evidence. After hearing him, Sir, I would know whether to say the law should remain as it is.

His Honour:

I believe there are a number of Criminal Offences of which corroborative evidence is not necessary.

The Acting Senior Crown Counsel:

The majority do not require corroborative evidence.

His Honour:

Perhaps you would explain the reason why it is felt necessary to remove this particular evidence from that group where corroboration is required.

The Acting Senior Crown Counsel:

As far as I can say, Your Honour, this provision of corroborative evidence for cases of sedition is contained only in our law, it is not the law of other countries. In the United Kingdom, it has never been the law for corroboration to be required in cases of sedition and the only reason I can think, why it was included in Nigeria is that the case of uttering seditious words, is rather akin to perjury where some mistakes in the recollection of the words actually spoken, might occur. There does not seem the same likelihood of a mistake with the written word and I think the Attorney-General is endeavouring to make our law more consistent with the body of law in other countries. It is extremely difficult in some cases to get the necessary evidence since this means that every material part of the case must be corroborated which adds greatly to the difficulty of the prosecution.

His Honour:

Made it clear that for sedition and offences of that type do not require corroboration in the United Kingdom.

The First Member for the Abeokuta Province (The Hon. A Soetan, the Aro of Kemta):

Having heard the Senior Crown Counsel and his reason that it makes it difficult to convict because corroboration is required, I say, Sir, that we should allow the law to remain as it is hitherto, namely, to require corroboration which will prove beyond any reasonable doubt that the offence of sedition has been committed and that we should not make it much easier or remove that privilege which the people have been enjoying all the time, and therefore, Sir, I say that section 3 should be withdrawn. I move the amendment that the people should enjoy the same privilege that they have been enjoying hitherto.

His Honour:

The question is in terms of the motion, that clause 3 be deleted. Those in favour say "Aye", those to the contrary "No". We will take a division. Officials Members will abstain.

The Second Member for the Warri Province ...	Aye
The Second Member for the Ondo Province ...	Aye
The Second Member for the Benin Province ...	Aye
The Second Member for the Abeokuta Province	Aye
The Fifth Nominated Member	Aye
The Third Nominated Member	Aye
The Second Nominated Member	Aye
The First Nominated Member	Aye

The First Member for the Abeokuta Province	Aye
The Member for the Ijebu Province	Aye
The First Member for the Ondo Province	Aye
The First Member for the Warri Province	Aye
The First Member for the Benin Province	Aye
The Second Member for the Oyo Province	Aye
The First Member for the Oyo Province	Aye
The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G., the Oni of Ife	Aye
The Acting Senior Crown Counsel	Abstained
The Deputy Director of Public Works	Abstained
The Acting Deputy Director of Agriculture	Abstained
The Deputy Director of Education	Abstained
The Deputy Director of Medical Services	Abstained
The Resident, Warri Province	Abstained
The Secretary (Development), Western Provinces	Abstained
The Acting Secretary (Finance), Western Provinces	Abstained
The Secretary, Western Provinces	Abstained
The Acting Resident, Abeokuta Province	Abstained
The Resident, Ondo Province	Abstained
The Acting Resident, Ijebu Province	Abstained
The Resident, Benin Province	Abstained
The Resident, Oyo Province	Abstained

The result of the voting is "Ayes" sixteen, "Noes" Nil.

The "Ayes" have it.

Clauses 4-6.

Title.

Enactment.

House resumed.

The Acting Senior Crown Counsel:

Your Honour, I beg to report the Bill from Committee with one amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House with the amendment recommended in Committee. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will adjourn for ten minutes.

House adjourned at 12.45 a.m.

A BILL FOR AN ORDINANCE FOR THE ESTABLISHMENT OF AN
INSTITUTE TO UNDERTAKE RESEARCH INTO MATTERS RELATING
TO TRYPANOSOMIASIS, FOR THE INCORPORATION OF A
COMMITTEE TO MANAGE THE INSTITUTE AND FOR
OTHER PURPOSES CONNECTED THEREWITH

The Deputy Director of Medical Services:

Your Honour, I beg to move a resolution, namely, that this House do advise His Excellency the Governor that the Bill for "An Ordinance for the Establishment of an Institute to undertake Research into matters relating to Trypanosomiasis, for the Incorporation of a Committee to manage the Institute and for other purposes connected therewith" is acceptable to this House in principle.

Sir, after due consultation with my colleague the Secretary, Western Provinces, before I proceed I wish to digress—if Your Honour will allow me to do so—for just one short moment. I would like to refer to the question which was raised earlier this morning by the Venerable the First Nominated Member at the conclusion of the speech of my friend the Deputy Director of Agriculture with regard to the reading of speeches in this Chamber, and Your Honour's ruling that this should be left to the discretion of Your Honour as President. In this connection perhaps you will permit me to quote the relevant Standing Rule. It is Rule 18 section 3 and it reads: "A Member shall not read his speech". Then it goes on to say that:—"but he may read extracts from written or printed papers in support of his argument and may refresh his memory by reference to notes". Subject to Your Honour's permission, therefore, I do not think I need any apology if during the course of my speech I glanced, may be frequently, at my own notes. I would like to remark here that English does not happen to be the mother tongue of many of us in this House, and we cannot all emulate the practised fluency of my learned friend the Senior Crown Counsel or the learned and Honourable the First Member for Abeokuta, or of the Venerable Member himself who raised this question and who as we all know is a very able and much practised and fluent preacher. If I may say so, we are not here making "after-dinner" speeches, and when one has to introduce important matters such as Bills, in which figures and exact words may have to be quoted, it may not be so easy to speak without reference to the written word. Even in the Legislative Council, I believe I am correct to say that this is allowed. One other important reason is that in these days when proceedings are not always correctly reported by the Press, it is often desirable for one to make certain that one is correctly quoted, and this can very often be only assured by setting down what one has to say in writing.

Your Honour, I referred just now to "after-dinner" speeches. I see that the hands of the clock over there are already slowly,

inexorably moving towards the luncheon hour and I suppose many Members will soon be impatiently waiting for an opportunity to escape from this Chamber for their afternoon siesta. Now, the Bill which I am going to introduce is a *Sleeping Sickness Bill* and I do hope that by the time I shall have finished with introducing it, my own faltering, drowsy pre-prandial efforts shall not have produced the effect of a mild sleeping draught!

Sir, the object of this Bill is to establish in Nigeria under Ordinance an organisation called the West African Institute for Trypanosomiasis Research into all problems relating to trypanosomiasis, and for the management of that Institute by an incorporated Committee with powers and duties and procedure as defined in the Bill which is before the House.

Members will, I am sure, be interested to hear something, quite briefly, about the history of this scheme, of its aims and objects, and of the reasons for the proposal that the Institute should be established as a body corporate under Ordinance.

As you are aware, trypanosomiasis, or sleeping-sickness, as we commonly call it, is a very serious disease of tropical Africa. It takes immense toll in life and health of man and of his domestic animals. It is spread by a fly called the tsetse-fly. Although it is not responsible for as large a number of human sickness and death here in the South as it does in the Northern Provinces, it is *the* chief obstacle to the development of the cattle industry in the Southern Regions of Nigeria, besides causing very serious losses to the existing industry in the North, with repercussions here in the South in restricting the amount of meat available and in the maintenance of prices of meat at a very high level.

In 1944 the Secretary of State for the Colonies set up an expert Advisory Committee to assist in tackling this very serious problem and to make recommendations for measures to be taken for its amelioration. At the request of this Committee, Professor T. H. Davey of the Liverpool School of Tropical Medicine undertook a fact-finding tour of all the West African Colonies and subsequently he reported as follows:—

“ In West Africa trypanosomiasis is a fundamental barrier to progress. The direct effects of the disease involve the annual expenditure of large sums of money on control and they cause an economic loss of more than one million pounds at a low estimate, through the death of cattle. The loss through indirect effects of the presence of fly, that is, the tsetse-fly, cannot be computed but must be estimated as serious. They are demonstrated in the diminished vitality of the people, the serious deficiency in their diet in high-grade protein, the steady loss of fertility of the soil and the absence of beasts for draught and work. These factors are causing a progressive impoverishment of the people, while medical and administrative policies are encouraging a steady growth of the

population. No attempt at progress in West Africa will be satisfactorily based if it does not undertake, as a fundamental and preliminary step, the control of trypanosomiasis which shows its effect in practically every field of human activity . . .”

Professor Davey stressed the urgent need for research by a special team of investigators into all aspects of the trypanosomiasis problem and his recommendations were accepted ultimately by all concerned. He advised that a regional, inter-colonial, organisation should be set up to serve the needs of the four British West African Governments, Nigeria, Gold Coast, Sierra Leone and the Gambia. It was subsequently arranged that the funds necessary to finance this scheme would be provided jointly by the British Government through the Colonial Welfare and Development Fund which would bear two-thirds of the cost, the remaining one-third being shared by the four West African Governments in agreed proportions of 50 per cent for Nigeria, 40 per cent for the Gold Coast, 8 per cent for Sierra Leone and 2 per cent for the Gambia. It was decided that the new Institute should be territorially located in Nigeria partly because Nigeria is the largest of the four West African Colonies in area and population, but mainly because it provides a much wider variety of conditions connected with tsetse-fly and trypanosomiasis than any of the other Colonies. Furthermore, it is possible to find in Nigeria a close parallel for all the major problems affecting the other West African territories.

Colonel H. W. Mulligan of the Indian Medical Service, formerly Director of the Central Research Institute, Kasauli, India, was appointed Director of the proposed Institute in 1947 and he has already selected Vom and Kaduna in the Northern Provinces as centres for the two main sections of the Institute. Much progress has already been made under his direction in the building programme and in the recruiting of staff, and it is expected that the scheme will be successfully launched this year.

Now, what are the *functions of this Institute*? The main functions of the Institute will be to undertake research into all aspects of the problem of sleeping-sickness. In addition, it will provide facilities for training African personnel for research, and facilities also for reclamation duties for other departments; it will serve as a repository for permanent records and as a clearing house for information about this disease for all West Africa; it will act as an advisory bureau on all matters connected with the disease; and lastly, it will maintain close liaison with similar international scientific bodies overseas.

We may now examine, briefly, the *intention of the Bill* and the reasons why we propose that the management of the Institute should be vested in a body corporate under Ordinance. In its preliminary stages this scheme has been administered by the Nigerian Government, but the legislation now before the House

is designed to set up the Institute as a body corporate. This method of administration has been agreed upon by the Secretary of State and by the four West African Governments as being the most suitable for an international organisation of this kind, financed as it is from five different sources. The affairs of the Institute would then be controlled (under section 5 of the Ordinance) by a Managing Committee composed of representatives, official or unofficial, of each of the contributing parties. Its Director would then be serving *one* master, namely, the proposed Incorporated Committee, instead of five masters as widely scattered as London, Lagos, Accra, Freetown and Bathurst.

The form of administration proposed under this Bill would be in line with that adopted for similar Government sponsored research organisations in the United States, United Kingdom, in India, and other countries. The aim is to secure the maximum degree of freedom from direct Government control and thereby create an atmosphere in which research flourishes, as experience in the countries just mentioned has shown. Also, as you will observe in section 12 Part III where the Bill deals with the finances of the Institute, an additional and important advantage would be that the Institute would be in a position to receive financial assistance in the form of grants-in-aid, endowment funds, or donations from any public or private philanthropic body such as the World Health Organisation, the Rockefeller Foundation, the Nuffield Foundation, and so on.

Finally, I wish to stress the very cogent reason, to which I referred earlier, why this motion deserves the support of this our particular House, and that is this: the great value of the Research Institute with regard to the cattle industry as it affects us in the Southern Provinces of Nigeria, and the effect which it will have on the very important question of food in relation to health and disease among our African population. You will remember that I have already referred to the heavy mortality which this disease of trypanosomiasis causes among cattle. The main dietary problem of this country is a serious deficiency in what the dietitians call first-class protein, the main source of which is meat. It has been estimated that in this country the average consumption of meat, excluding fish, is less than the low figure of one ounce per person per day. In some parts of the South here, I think I am correct to say that many of our people never eat, or even see, beef or mutton, owing to its high price. It has been estimated that the domestic animal population of this country will have to be increased no less than four-fold in order to bring the amount of meat up to the standard considered medically adequate. I feel sure therefore, that any measure, such as this Bill proposes, which is designed to hasten the advent of this most desirable—I almost said delectable—state of affairs will meet with the full and unqualified support of even the most hardened vegetarian!

Your Honour, I beg to move.

The Acting Resident, Ijebu Province:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-17.

Title.

Enactment.

House resumed.

The Deputy Director of Medical Services:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE ALIENS
(DEPORTATION) ORDINANCE

The Acting Senior Crown Counsel:

Your Honour, I rise to move a resolution that this House advise His Excellency that a Bill for "An Ordinance to amend the Aliens (Deportation) Ordinance", is acceptable to the House.

This is very simple Bill, which is designed to extend the method of conveyance of aliens, against whom deportation orders have been made, to aircraft, motor vehicles and other vehicles. As the law stands, the only method of conveyance of these aliens is by ship, and therefore it is reasonable nowadays with the advance transport, to provide also for air and motor transport. The opportunity has been taken to provide a penalty for non-compliance with the obligation imposed on persons in charge of the transport, I do not think this Bill will be found contentious and I beg to move.

The Acting Secretary (Finance), Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House.

Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-3.

House resumed.

The Acting Senior Crown Counsel:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE EDUCATION
ORDINANCE, 1948

The Deputy Director of Education:

Your Honour, I rise to move a resolution to the effect that this House do advise His Excellency the Governor that the Bill for "An Ordinance to amend the Education Ordinance of 1948" is acceptable to this House.

It is proposed in this Bill to amend section 26 of the Education Ordinance. Section 26 of this Ordinance deals with the set-up of Local Education Authorities and Local Education Committees. In other words, it refers to the initiation of the machinery of local government as applied to Education. At present, as the Bill stands, the initiative for setting up these Local Authorities and Committees lies with the Regional Deputy Director in the case of a Region, or with the Colony Education Officer in the case of the Colony. He devises a scheme in consultation with the Regional or Central or Colony Boards of Education; he prepares this scheme, sends it up to the Chief Commissioner and eventually to the Governor in Council. The Regional Deputy Director in the Western Region has already used his initiative in this respect and put a scheme forward for discussion at the last Regional Board of Education. Far be it from me, Your Honour, to suggest that a Regional Deputy Director or a Colony Education Officer is incapable of using his initiative in the best interests of the people, but as this Bill stands at present, it is not quite in alignment with our present democratic line of progress. It is hardly fair that the initiative for setting up such important bodies should lie with a member of the Education Department alone. It is fair and reasonable that the initiative should also lie with those bodies who are most directly concerned; and in the Western Provinces the body that is most directly concerned with our Local Committees is the

Native Authority itself, as set up under the Native Authority Ordinance. In the Eastern Provinces it will be the Local Council set up under the Eastern Regional Local Council Ordinance.

It is proposed, therefore, that the Native Authority and the Local Council should themselves share this initiative for starting Local Authorities and Education Committees should they wish to do so. This proposal, then, Your Honour, is reasonable and logical and progressive in keeping with our present trend of development.

Your Honour, I beg to move.

The Secretary, Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-2.

Title.

Enactment.

House resumed.

The Deputy Director of Education:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE FURTHER TO AMEND THE NATIVE
AUTHORITY ORDINANCE

The Secretary, Western Provinces:

Your Honour, I rise to move a resolution that this House do advise His Excellency that the Bill further to amend the Native Authority Ordinance is acceptable to this House.

The two most important clauses in this Bill are clauses 3 and 4. Both of them, I think, will fulfil a long felt need. Clause 3 will enable Native Authorities to impose a rate for the support of schools other than those that it has itself instituted or provided; this follows the recommendations of the Phillipson proposals on grants-in-aid of Education. It will enable Native Authorities to levy rates and, in due course, to spend the proceeds of these rates in assistance to voluntary agencies' schools in the area. This principle has for some considerable time had support from all parts of the country.

I might say that when we go to the Committee stage, it is proposed to move an amendment to the wording of clause 3 where it says under sub-section XXXI "Where, under the provisions of section 26 of the Education Ordinance of 1948, a Local Education Authority has been established for the area, etc.". It has been found for many reasons to be desirable that the proceeds of a rate levied by a Native Authority should be paid to the Native Authority Treasury. The provision that is made in the Bill as it stands is that the proceeds of the rate should be paid to the Local Education Authority. Under the amendment that will be proposed the proceeds of the rate will be paid to the Native Authority but the expenditure thereof will be under the advice of the Local Education Committee where such exists. The Deputy Director of Education wishes, at a later stage, to amplify and to give further information on this particular point.

The other important clause, clause 4, provides for the setting up of committees of Native Authorities and giving to these committees definite powers, powers that will be delegated, or may be delegated, to them by the Native Authorities. I think that all Members of the House will agree that this is a very considerable step forward in local government development and one that we in the Western Provinces particularly, have long sought. I do not need to waste time reminding Members of the House of the difficulties and the delays that have occurred in the past because the functions of committees of Native Authorities were purely advisory and they had no legal sanction. Thus while the day-to-day business of a Native Authority was constantly entrusted to a small and competent committee, in law it was necessary to refer back the most routine decisions of these committees to the full Native Authority for confirmation before they had any validity. The clause also, you will note, makes provision for the composition of such committees to include non-members of the Native Authorities. In the case of committees other than Education Committees, the membership up to a total of one-third may be drawn from outside of the body of the Native Authority. In the case of the Education Committee, the proportion is even larger, and up to two-thirds of the membership may be drawn from outside membership of the Native Authority.

I think this provision will be welcomed by Members since it means that people with technical experience in the wider sense of the word can be made full members of committees and the full benefit of their advice will be available at all times.

The other clauses are, I think, non-controversial and I do not think it is necessary for me to enlarge on any of them. They are most self-explanatory and if any Member wishes to raise a point perhaps he will do so in Committee.

Your Honour, I beg to move.

The Resident, Oyo Province:

Your Honour, I rise to second.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to the House. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to study the Bill clause by clause.

House in Committee.

The Deputy Director of Education:

Your Honour, I rise to support this Bill. As far as Education is concerned, this Bill has got very far-reaching and fundamental implications.

As the Secretary, Western Provinces, has said, the two important implications are in sections 3 and 4.

Section 3 makes provisions for a rate to be imposed to be called an Education Rate. This question of a rate has been very much to the forefront during the past three or four years, and very much to the forefront indeed during the past six to eight months. It has been looming on the educational horizon not only in the Western Provinces, but in the East, more so, I think, in the East than here. It is clear from recent experience that there are certain progressive Native Authorities in the Western Provinces which are willing and anxious to have an Education Rate as soon as they are legally permitted to do so. It is equally clear that, if we are going to carry on with Education without hinderance or setback, that the present money which we have got and the Government resources is not adequate. We are, I agree, spending a very large proportion of the estimates on Education. We are spending about one-third of the total expenditure but I have just done the Estimates for next year and I find that this is not enough. In other words, if our Education is going to proceed at the pace it should, we must have other resources, and the only other resources which will be available will be those from an Education Rate. Now this question of a rate, I am sure, will come before this House again. It will come, no doubt again and again. There is no point in discussing its implications at present. It is sufficient to say that the Regional Board of Education and the Education Committee have considered the implications of an Education Rate, so if this Bill becomes law, we should be ready to give sound advice, as soon as it is required.

The other point is in section 4 which deals with Local Education Committees. A Native Authority can have committees, one of its committees, being an Education Committee. During the past few years in the Western Provinces, we have been experimenting with Advisory Education Committees, which were not directly under the Native Authority, but which were closely associated with the Native Authority in that on each committee there were members

of the Native Authority itself, and the affairs with which the committees dealt were affairs of local importance and affairs on which they very frequently gave advice to the Native Authority; so we have gained a fair amount of valuable experience so if this Bill becomes law, we should be able to step out on the right foot in the formation of Education Committee. The scheme proposed under section 26 of the Ordinance envisages that the Native Authority itself will be the Local Education Authority, and the Education Committee will be the committee of that Authority. That is the committee to which reference is made here.

So, Your Honour, we have in this Bill two very clear signposts as far as Education is concerned, the proposal to set up an Education Rate on the one hand and the provision for the setting up of the machinery of local government in education on the other. These two signposts which point very clearly to the way ahead in education. For that reason this Bill is very much welcomed by the Education Department.

Your Honour, I beg to support.

The First Member for the Abeokuta Province (The Hon. A Soetan, the Aro of Kemta):

I rise to support this Bill. The question of education is so important in this country that I am sure that several people in the Western Provinces will welcome this Bill. In my province, an education fund has been established in the Egbado Division and the education rate will be very much welcomed. The people of Ilaro and Districts have been making efforts to raise funds among themselves and the provision of this Bill will help them considerably. Your Honour, I support. I do not know whether we may proceed to pass the Bill at once without going to any further Committee about it.

The First Nominated Member (The Venerable Archdeacon L. A. Lennon, O.B.E.):

I support.

The First Member for the Oyo Province (Chief I. B. Akinyele, O.B.E., the Osi Balogun of Ibadan):

Your Honour, as this Bill is of great importance, I suggest that a Select Committee of the Official Members including the mover and the seconder, the Senior Crown Counsel should sit upon it and advise the House.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawo of Ilesha):

I second the motion.

His Honour:

Does the Member wish to proceed with this Motion? The question is that the Bill be put to Select Committee of the House for consideration and not be proceeded with in the ordinary way,

that is, by Committee of the whole House. The motion is that it shall be referred to Select Committee.

Those in favour say "Aye", those to the contrary "No".

The "Noes" have it.

Clauses 1-3.

The Acting Secretary (Finance), Western Provinces:

I submit that clause 3, as it stands, has two undesirable features; in the first place, with reference to the last two lines of the proposed new clause—"proceeds whereof shall be paid to such Education Authority". The usual practice is that an authority which raises a rate is responsible for its disbursement. I think that most Members would agree that it is essential that the disbursement of public funds, where they are the proceeds of ordinary tax or of rates, should be subject to some degree of public control, and shall not be simply at the discretion of the Education Authority. Revenue and expenditure should be estimated, planned and brought to account, and that account should be subject to audit. Secondly, under the provision of the clause as it stands, no Native Authority would be able to levy an education rate until the Native Authority has been constituted a Local Education Authority. I understand that there may be cases in which, for the time being anyway, it may not be expedient for a Native Authority either to apply for appointment, or to be appointed as the Local Education Authority, but there may nevertheless be a desire on the part of the people to raise a rate in order to contribute towards the cost of education, and it would be a pity to thwart such a desire. I would therefore, Sir, propose an amendment that the whole of this paragraph be deleted from the words "Following paragraph—and for which be substituted:—

Substitute.—"For the imposition of a rate (to be known as the Education Rate) the proceeds whereof shall be paid to the Native Authority, provided that where under the provisions of section 26 of the Education Ordinance, 1948, a Local Education Authority has been established for the area of jurisdiction of the Native Authority, the imposition of such rate and expenditure of the proceeds thereof shall be subject to the approval of such Local Education Authority".

The Secretary, Western Provinces:

I second that.

His Honour:

I shall read out the proposed amendment to the House again so that it is possible for the Members to get it clearly in their minds.

The question is that clause 3 be amended as proposed. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The question is that clause 3 as amended stands part of the Bill. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

Clause 4.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

Clause 4: With regard to this section or clause, I have to report that my people in Oyo Province are much reluctant to release the authority which is theirs to committees and that if they should be made to do so they want to be assured that they will have over-riding power over any decision of any committee to which they are opposed, with a view to amending such a decision or rescinding it. I should like to know whether under the clause as it stands this is capable of being done.

The Secretary, Western Provinces:

Your Honour, as regards the first point raised by the last speaker I think the operative word has been overlooked. Such Native Authority *may* with the approval of the Resident, appoint committees. If the people of the Oyo Province do not want Native Authority Committees, well, they need not have them. But if they do, there are a variety of safeguards, to one of which the last speaker has already referred; they can make certain restrictions and then in sub-clause 1 it states specifically that any delegation made under provision of sub-clause 1 shall be revocable at will.

I think to go further than that would be to destroy the whole object for which we have been working for a number of years. The principle that we want to establish is that a Native Authority can delegate where it is satisfied and has confidence in the people that will make up these committees. That it will be in a position to delegate.

His Honour:

I think if the Member will read clause 4, sub-clause 35 (a) carefully it simply proposes possibilities as regards the action taken by the Native Authority. To start off with, the original impetus which is necessary to create the committee must originate from the Native Authority itself after which it goes for approval to the Resident. If the Native Authority does not initiate the action necessary to form committees of this kind, then they will never be formed. So your difficulty, Sir, is completely covered. I can give you an assurance by the wording of that first sub-section of clause 4.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

I entirely agree with Your Honour in this explanation but my people still insist that where powers are delegated to any committee and any decision of the latter is contrary to what it is expected to arrive at, they (the people) should have some power to rescind such decision. That is the point. They are prepared to agree to members being formed into committees, and to some powers being delegated to them to advise; but when it comes to some very important matter over which the Native Authority as a body would like to intervene, they would like to have some opportunity of doing so.

The First Member for the Abeokuta Province (The Hon. A Soetan, the Aro of Kemta):

I rise to welcome this section. In fact it is being done in other parts of the country even the Northern Division runs Native Authority as committees and has delegated to such committees certain powers. This will only serve to assist the Native Authority and it is provided that the overriding power is always retained by the Native Authority itself. The committee appointed will have to report to the Native Authority such things that they have done and as it is provided for under section 2, first of all and section 5 approval must be received the formation of the committee creating certain powers which some Native Authorities have been already exercising. The fear which is expressed by the Member for Oyo is not altogether sustainable under the various aspects because the Native Authority is exercising the power.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

According to the last speaker, I am of the same opinion, but I have to represent nothing to you but the views of my people from the Oyo Province.

His Honour:

I hope that the assurance I have given as to the definition of that sub-section, the Member will be satisfied and will be able to satisfy those whom he represents.

Clauses 5-7.

Title.

Enactment.

House resumed.

The Secretary, Western Provinces:

Your Honour, I beg to report the Bill from Committee with one amendment.

His Honour:

The question is that this House do advise His Excellency the Governor that this Bill is acceptable to this House with the amendment recommended in Committee. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

Time is now quarter to one and there is a certain amount of business which I would like, if possible, to conclude with the Select Committee that sat yesterday. So if the House agrees, I think we might adjourn now until Thursday when we shall, I hope, have no difficulty in completing the remaining eight Bills which are standing on the Order Paper. If the Members of the Select Committee would remain behind I hope we will be able to complete that business.

The House will now adjourn till Thursday morning at 9 a.m.

House adjourned at 12.45 a.m.

Debates in the Western House of Assembly

Thursday, 17th August, 1950

Pursuant to notice the Members of the Western House of Assembly met in the Assembly Hall, Ibadan, at 9 a.m. on Thursday, the 17th of August, 1950.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Western Provinces,
His Honour Sir Chandos Hoskyns-Abrahall, C.M.G.
- The Resident, Benin Province,
Mr R. J. M. Curwen.
- The Secretary (Development), Western Provinces,
Mr H. L. M. Butcher, Co-opted Member.
- The Resident, Warri Province,
Mr R. L. V. Wilkes.
- The Resident, Ondo Province,
Mr T. B. Bovell-Jones.
- The Resident, Oyo Province,
Mr R. A. Vosper.
- The Secretary, Western Provinces,
Mr T. M. Shankland.
- The Acting Secretary (Finance), Western Provinces,
Mr A. G. R. Mooring.
- The Acting Resident, Abeokuta Province,
Mr J. H. Beeley.
- The Acting Resident, Ijebu Province,
Mr H. K. Robinson.
- The Deputy Director of Medical Services,
Dr S. L. A. Maruwa, O.B.E.
- The Deputy Director of Education,
Mr W. T. Mackell, O.B.E.
- The Acting Deputy Director of Agriculture,
Mr E. W. Momber.
- The Deputy Director of Public Works,
Mr J. M. Sleigh.
- The Acting Senior Crown Counsel,
Mr N. G. Hay.

UNOFFICIAL MEMBERS

- The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G.,
The Oni of Ife.
- The First Member for the Oyo Province,
Chief I. B. Akinyele, O.B.E., the Osi Balogun of Ibadan.
- The Second Member for the Oyo Province,
Chief J. R. Turton, O.B.E., the Risawe of Ilesha.
- The First Member for the Benin Province,
Chief H. O. Osagie, the Aighobahi of Benin.
- The Second Member for the Benin Province,
Chief Idogu, the Olokpe of Okpe.
- The First Member for the Warri Province,
Chief Jessa Ogboru.
- The Second Member for the Warri Province,
Chief W. E. Mowarin.
- The Member for the Ijebu Province,
Chief A. O. Okupe, the Alaperu of Iperu.
- The First Member for the Abeokuta Province,
The Honourable A. Soetan, the Aro of Kemta.
- The Second Member for the Abeokuta Province,
Mr S. O. Bankole.
- The First Member for the Ondo Province,
Mr J. B. Arifalo-Adedipe.
- The Second Member for the Ondo Province,
Mr P. A. Oladapo.
- The First Nominated Member,
The Venerable Archdeacon L. A. Lennon, O.B.E.
- The Second Nominated Member,
The Honourable Akinpelu Obisesan, O.B.E.
- The Third Nominated Member,
The Honourable T. A. Odutola, O.B.E.
- The Fifth Nominated Member,
Mr E. A. Sanda.

ABSENT

UNOFFICIAL MEMBERS

- The Honourable Omo N'Oba Akenzua II, C.M.G.,
The Oba of Benin.
- The Fourth Nominated Member,
The Honourable G. I. Obaseki.

Prayers

His Honour the Chief Commissioner opened the proceedings with prayers.

Confirmation of Minutes

The minutes of the meeting held on the 15th of August, 1950, having been printed and circulated to Members, were taken as read and confirmed.

Questions

The First Member for the Ondo Province (Mr J. B. Arifalo-Adedipe):

48. To ask the Secretary, Western Provinces:—

(a) whether he is aware that there is no Traffic Officer resident in Ondo Province?

(b) Whether he is aware that the Traffic Officer who is in charge of Ondo Province (a) resides at Ife, and in his last visit did not spend more than three days? (b) Whether he is aware that so many lorries requiring certificates of roadworthiness were not attended to due to the shortness of the Traffic Officer's stay at Akure?

(c) In view of the possible delays that may be caused in transporting cocoa during the coming season, whether he will recommend that a Traffic Officer be attached to the Nigerian Police at Akure?

Answer—

The Secretary, Western Provinces:

(a) Yes, Sir.

(b) The questioner appears to be confusing the duties of Motor Traffic Officer with those of Vehicle Inspection Officer. The former is in charge of the Motor Traffic Unit (West) and normally resides at Ife. He is not responsible for issuing certificates of roadworthiness. The latter is responsible for the inspection of vehicles and the issue of the certificates; he visits all Motor Licensing Authorities, including the one at Akure, once a month.

The present arrangement is that the Motor Licensing Authority, Akure, issues certificates of roadworthiness in the case of new vehicles or of vehicles which he is satisfied are in sound condition. It is only when he is in doubt that the issue of the certificate is held up until the next visit of the Vehicle Inspection Officer.

There is insufficient work to justify the employment of a full-time Vehicle Inspection Officer at Akure.

(c) Does not arise.

Motions

His Honour:

The House will remember that on the motion of the Secretary, Western Provinces, the motion was put to a Select Committee of this House by unanimous vote. The Select Committee consisted of all Unofficial Members of the House with the Secretary, Western Provinces, Senior Crown Counsel and myself as Chairman. We now ask the Secretary, Western Provinces to report to the full

House the recommendations made by that Select Committee in reference to the Motion which is before the House.

The Secretary, Western Provinces:

Your Honour, the Select Committee was appointed and has reported in the following terms:—

“This Select Committee of the Western House of Assembly, composed of the sixteen Unofficial Members of the House at present in Nigeria, the Regional Secretary and Senior Crown Counsel, with the Chief Commissioner as Chairman, was appointed to consider the problem of Regional representation in the Central Legislature.

The Unofficial Members of the Committee, who alone have voted, unanimously recommend that there should be two Houses at the centre, the Upper House having equal representation for each Region.

It is further recommended that on the understanding that there will be two Houses at the centre the claims of the Northern Region to parity in the Lower House with the Eastern and Western Regions together should be admitted”.

His Honour:

The question is that the Motion of the Secretary, Western Provinces and the recommendations of the Select Committee are adopted by this House.

Those in favour say “Aye”, those to the contrary “No”.

The “Ayes” have it.

A BILL FOR AN ORDINANCE TO CONFER POWERS AND IMPOSE DUTIES
AND RESTRICTIONS, IN RELATION TO GOLD, CURRENCY PAY-
MENTS, SECURITIES, DEBTS, AND THE IMPORT, EXPORT
TRANSFER AND SETTLEMENT OF PROPERTY, AND FOR
PURPOSES CONNECTED WITH THE MATTERS
AFORESAID

The Acting Secretary (Finance), Western Provinces:

Your Honour, I rise to move that this House do advise His Excellency the Governor that the Bill for “An Ordinance to confer powers, and impose duties and restrictions, in relation to Gold, Currency, Payments, Securities, Debts, and the Import, Export Transfer and Settlement of Property, and for Purposes connected with the matters aforesaid,” is acceptable to this House.

This is a tedious, though necessary, piece of legislation, and I doubt that even a fluent orator could succeed in inspiring interest and enthusiasm in such a subject. I hope that I shall be forgiven if I confine myself to a few brief and matter of fact explanatory remarks.

The proposed legislation incorporates in a more orderly form and in greater detail the legislation already in force under the

Nigeria Defence (Finance) Regulations, which will expire on the 10th of December in this year. Similar legislation is being considered in all colonial territories. The administration of Exchange Control under the Ordinance will remain very much as at present and as is the present practice the Financial Secretary may be expected to grant a large number of exemptions from the provision of this Ordinance where such exemptions are at present permitted or where particular circumstances can be shown to warrant them. The purpose of the various parts of the Bill is explained in considerable detail in the Objects and Reasons which are given at the end of the Bill.

There is one question which must be foremost in the minds of all whose task it is to give consideration to this Bill and that is, why is it necessary to continue the controls over movements of currency and trade which were dictated by the extraordinary circumstances and the dislocation of normal economic conditions which were caused by the war?

Although the war is now over we are in a difficult transition period during which the country has made considerable progress. But progress is slow and is governed to a very considerable extent by our bargaining power in competition with other powerful financial competitors. Everyone is familiar with the advantages of collective bargaining as opposed to individual competition. We see everyday examples of this in the negotiations between labour unions and employers and in the combination of individual business men to finance and run combined business undertakings. These considerations apply in no less degree to the business transactions conducted by individual territories with other countries. Nigeria like other colonial territories is a member of the sterling area. The main privilege attaching to such membership is that the local currencies of the members of the area are freely transferable into sterling and through sterling into a large number of other currencies. There is also a large degree of freedom of movements of money and trade between all members of the sterling area. From one point of view membership of the sterling area may be regarded as a kind of insurance policy. The strength of sterling depends on a combination of the wealth and resources of all members of the area and the economies of the various members of the area are to a certain extent complementary. There is therefore a tendency for adverse economic development in one part of the area to be offset by favourable development in another and for this reason for the value of sterling as a medium of exchange to command a steadiness and consequently a strength which the individual currencies of members of the area could not be expected to command if they were independent. In the case of Nigeria our export income depends largely on three main commodities groundnuts, cocoa and palm products, which are subject to fluctuation in price and in quantity. It is unlikely in spite of the assistance afforded by the Marketing Board that a

sufficient reserve of money could be built up to ensure the stability of Nigeria currency if it were independent of the sterling area. If we were to stand alone our currency exchange value would be liable to fluctuate with produce prices and with every good or bad produce season; that would have an unsettling effect on our overseas trade. Membership of the sterling area is not confined to the United Kingdom and British territories. The advantages of belonging to a currency union of this nature have been realised by other countries and for example Jordan has recently applied and been admitted to the sterling area and I understand that other members include Iraq, Iceland, the Irish Republic, Burma, India and Pakistan.

Let us consider for a moment the possibility that Nigeria might secede from membership of the sterling area. In that case she would be able to admit, for the present at least, more imports from America than she does now. On the other hand the total area over which Nigeria's currency would be freely transferable would certainly be much smaller than it is at present. In consequence Nigeria might well have difficulty in making and obtaining payment for imports and exports in the countries other than North America and would be driven into a system of individual trade agreements with other countries with which she wishes to trade which would not only be very difficult to administer but would lead to delays and to loss of trade. It would moreover be more necessary than ever to have exchange control legislation to give effect to these numerous trade agreements and it is highly probable that it would be necessary to exercise a much closer control of imports and exports than that which is contemplated in this legislation.

Membership of any union requires that the member shall observe the union rules. The rules which are incorporated in this legislation are those which all members of the sterling area are asked to observe. Nigeria is not being asked to submit to any restrictions which are not imposed in the United Kingdom or other sterling area territories. On the contrary the control is in some respects less strict than in the United Kingdom particularly in the matter of educational facilities in the United States of America. The present restrictions on foreign exchange transactions are necessary in order to maintain the strength of the sterling area and of all members thereof. As the world returns to normality the need for these restrictions will become less urgent and may in time disappear. I commend the Bill to the House for favourable consideration. There is one omission in the Bill, namely, the enactment which could suitably be dealt with at the Committee stage.

Your Honour, I beg to move.

The Acting Resident, Ijebu Province:

Your Honour, I rise to second.

The Second Member for the Oyo Province (Chief J. R. Turton, O.B.E., the Risawe of Ilesha):

Before proceeding with this Bill I have been requested by representatives of the Oyo Provincial Native Authority Conference to enquire how far free trade will be affected between Nigeria and any other British Colonial Territories such as the Gold Coast and the Gambia.

His Honour:

On a point of explanation, perhaps the Mover will reply to that now.

The Acting Secretary (Finance), Western Provinces:

The position with regard to freedom of trade with other British territories, and particularly with West African territories, will be the same as it is at present. There will be no additional restrictions, and I think I am right in saying that there is at present very little restriction of trade between this Colony and other British West African Colonies.

His Honour:

The question is: "That this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

His Honour:

As no debate has been raised as regards the need for this Bill before the House now, there appears to be an acceptance of the principles and I suggest that if the House agrees we take the Bill part by part (there are six parts and six schedules), rather than taking them clause by clause.

Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

We will take the Bill part by part.

Parts I-VI.

First Schedule.

Second Schedule.

Third Schedule.

Fourth Schedule.

Fifth Schedule.

Sixth Schedule.

Title.

Enactment.

The Acting Secretary (Finance), Western Provinces:

I propose that we insert an enactment clause in the following terms:—

"Be it enacted by the Governor of Nigeria with the advice and consent of Legislative Council".

His Honour:

The question is in terms of the motion, those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The question is that the enactment stands part of the Bill. Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

House resumed.

The Acting Secretary (Finance), Western Provinces:

Your Honour, I beg to report the Bill from Committee with one amendment.

His Honour:

The question is: "That this House do advise His Excellency the Governor, that this Bill is acceptable to this House with the amendment recommended in Committee". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE FURTHER TO AMEND THE WORKMEN'S
COMPENSATION ORDINANCE

The Acting Senior Crown Counsel:

Your Honour, I rise to move a resolution that this House advise His Excellency the Governor that the Bill for an Ordinance further to amend the Workmen's Compensation Ordinance is acceptable to this House.

Our Workmen's Compensation Legislation came into force in 1942 in a simplified form and since that time there have been important developments in Workmen's Compensation practice. It is now sought to review our legislation and incorporate several improvements which will have the effect of further ameliorating the conditions of our workmen.

I am sure that this House will endorse the necessity for such humane legislation which is designed for the protection of our injured workers from want and insecurity.

In his Objects and Reasons the Attorney-General has set out, clause by clause, the effect of the Bill. I would draw attention, however, to clause 5 under which the compensation in respect of permanent total incapacity is substantially increased, from forty-two months' earnings or £750 whichever is less, to forty-eight months' earnings or £1,000, whichever is the less.

Clauses 9 and 11 provide for free medical attendance for the injured workmen and the responsibility of the employer for the payment of medical and other incidental expenses.

Another important provision is contained in clause 11 whereby the Governor in Council is empowered to extend the provisions of the Ordinance to certain occupational diseases. As local industries increase, it seems likely that this section will be more and more used.

In conclusion, Your Honour, I can safely recommend this measure to the House. It is a most progressive one and I beg to move.

The Secretary, Western Provinces:

Your Honour, I rise to second.

His Honour:

The question is: "That this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-11.

House resumed.

The Acting Senior Crown Counsel:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is: "That this House do advise His Excellency the Governor that this Bill is acceptable to this House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO MAKE PROVISION FOR THE
CONFERRING OF CERTAIN POWERS UPON CONSULAR
OFFICERS OF FOREIGN STATES WITH WHICH CONSULAR
CONVENTIONS ARE CONCLUDED BY HIS MAJESTY
AND FOR MATTERS CONNECTED THEREWITH

The Resident, Warri Province:

Your Honour, I rise to move a resolution that this House do advise His Excellency the Governor that the Bill for an Ordinance to make provision for the conferring of certain powers upon Consular Officers of Foreign States with which Consular Conventions are concluded by His Majesty and for matters connected therewith is acceptable to this House.

This Bill has a very long title, almost as long as the Bill itself, and there is very little more to say.

Clause 2 provides for the Consul being able to deal with the estates of deceased persons of his Nation.

Section 4 restricts to some extent the right of entry by Police into Consular Offices.

Section 6 exempts certain documents from stamp duty.

Section 7 exempts goods imported for Consul's personal use from customs duties.

House in Committee.

Clauses 1-4.

Title.

Enactment.

House resumed.

The Resident, Warri Province:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is: "That this House do advise His Excellency the Governor that this Bill is acceptable to this House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE EASTERN REGION
LOCAL GOVERNMENT ORDINANCE

The Resident, Benin Province:

Your Honour, I beg to move a resolution that this House do advise His Excellency the Governor that a Bill for "An Ordinance to amend the Eastern Region Local Government Ordinance" is acceptable to this House.

This Bill has two clauses only, the second of which corrects two printing errors, as I should call them, in the Eastern Region Local Government Ordinance which was read as a Bill in this House at its last meeting. The alterations are alteration of "Sixth Schedule" to "Fifth Schedule" where it appears in section 237 of the Ordinance; and the deleting of a comma making a sentence read rather better. The sentence in question, in sub-section 237 (1) 1 refers to the powers of the Regional Authority to revoke, vary or amend any notice, order, removal, regulation of bye-law. We are inserting the word "or" and leaving out the comma in front of "bye-law".

Your Honour, I beg to move.

The Acting Resident, Ijebu Province:

Your Honour, I rise to second.

His Honour:

The question is: "That this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The House will now resolve itself into Committee to consider the Bill clause by clause.

House in Committee.

Clauses 1-2.

Title.

Enactment.

House resumed.

The Resident, Benin Province:

Your Honour, I beg to report the Bill from Committee without amendment.

His Honour:

The question is: "That this House do advise His Excellency the Governor that this Bill is acceptable to this House". Those in favour say "Aye", those to the contrary "No".

The "Ayes" have it.

The question is that this House do now adjourn.

The Member for the Ijebu Province (Chief A. O. Okupe, the Alaperu of Iperu):

Your Honour, before the House adjourns, I would like on behalf of this House, to express our good wishes to Your Honour and Lady Hoskyns-Abrahall at the time that Your Honour is preparing to go on leave. On behalf of the Meeting we wish you a happy time during your leave and a safe journey home.

His Honour:

On behalf of my wife and myself I cordially thank you for your good wishes and I wish the House every prosperity.

The House will now adjourn *sine die*.

Adjournment

House adjourned at 10.25 a.m. sine die.