

Debates in the Eastern House of Assembly

Thursday, 19th July, 1951

Pursuant to notice the Members of the Eastern House of Assembly met in the Council Chamber, Enugu, at 10 a.m. on Thursday, the 19th of July, 1951.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Eastern Provinces,
Cdr. J. G. Pyke-Nott, C.M.G., R.N.
- The Secretary, Eastern Provinces,
Cdr. S. E. Johnson, R.N.
- The Resident, Owerri Province,
Mr J. S. Smith.
- The Acting Resident, Ogoja Province,
Mr J. Brayne-Baker.
- The Acting Resident, Calabar Province,
Mr A. B. Westmacott.
- The Acting Resident, Cameroons Province,
Mr G. R. Osborn.
- The Acting Resident, Onitsha Province,
Mr H. J. M. Harding.
- The Acting Secretary (Finance), Eastern Provinces,
Mr C. T. C. Ennals.
- The Acting Deputy Director of Medical Services, Eastern
Provinces,
Dr N. E. W. Anderson.
- The Acting Deputy Director of Education, Eastern
Provinces,
Mr A. H. Smith.
- The Acting Deputy Director of Agriculture, Eastern
Provinces,
Mr A. F. W. Sheffield.
- The Acting Deputy Director of Public Works, Eastern
Provinces,
Mr W. A. Dow.
- The Acting Senior Crown Counsel, Eastern Provinces,
Mr G. G. Briggs.

UNOFFICIAL MEMBERS

- The Member for Urban Areas other than Port Harcourt,
Rev. O. Efiang, C.B.E.
- The First Provincial Member for the Onitsha Province,
Mr P. E. Chukwurah.
- The First Provincial Member for the Owerri Province,
Mr M. W. Ubani.
- The First Provincial Member for the Calabar Province,
Mr Asuquo Okon.
- The Second Provincial Member for the Cameroons Province,
Galega, Fon of Bali.
- The Second Provincial Member for the Onitsha Province,
Mr C. D. Onyeama.
- The Member for Urban Aspect of Life in Port Harcourt,
Mr G. C. Nonyelu.
- The Second Provincial Member for the Owerri Province,
Mr D. N. Achara.
- The Second Provincial Member for the Calabar Province,
Mr Nyong Essien.

ABSENT

OFFICIAL MEMBER

- The Resident, Rivers Province,
Mr H. J. S. Clark.

UNOFFICIAL MEMBERS

- The First Provincial Member for the Cameroons Province,
Mr J. Manga Williams, O.B.E.
- The Member for Professional, Salaried and Wage-earning
Classes,
Mr L. N. Mbanefo.
- The Member for African Commercial Interests,
Mr G. H. H. O'Dwyer, O.B.E.
- The Provincial Member for the Ogoja Province,
Sir Francis Ibiam, K.B.E.
- The Provincial Member for the Owerri (Rivers) Province,
Mr H. Buowari Brown, O.B.E.
- The Member for Educational Interests,
Mr A. Ikoku, O.B.E.

Prayers

The President opened the proceedings of the House with prayers.

Confirmation of Minutes**His Honour the Chief Commissioner :**

The minutes of the last meeting having been printed and circulated to Members, is it your pleasure that they should be confirmed? (Aye).

Administration of Oaths

The following took the Oath of Allegiance as Members of the House :—

- Mr J. Brayne-Baker, Acting Resident, Ogoja Province.
- Mr A. B. Westmacott, Acting Resident, Calabar Province.
- Mr G. R. Osborn, Acting Resident, Cameroons Province.
- Mr H. J. M. Harding, Acting Resident, Onitsha Province.
- Mr C. T. C. Ennals, Acting Secretary (Finance), Eastern Provinces.
- Mr A. H. Smith, Acting Deputy Director of Education, Eastern Provinces.
- Mr A. F. W. Sheffield, Acting Deputy Director of Agriculture, Eastern Provinces.
- Mr W. A. Dow, Acting Deputy Director of Public Works, Eastern Provinces.

Announcements

His Honour the Chief Commissioner :

Members will, I think, like me to read to them a cable which I have received from London from the Provincial Member for the Owerri (Rivers) Province, and the Member for African Commercial Interests. The cable states :—

“Regret absence. Wish House successful final meeting.”

It is signed “Brown, O’Dwyer.”

Petitions

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

Sir, I humbly and respectfully beg to present a petition from Mr A. K. Nwankwo of Ajalli Town, Onitsha Province.

The humble petitioner, having served Awka Native Administration for about twenty-two years, had his employment terminated in 1950. During his years of service he started on a salary of £12 a year and ended on a salary of £84 per annum in 1950, having served in various capacities, especially as Treasurer to Aguata Native Administration where he had under his control over £7,000 revenue. He further states that under the Dod Report he is entitled to a salary of £140-10-£220 instead of the £48 on which he was placed at that period.

Sir, I beg to submit this petition, and to move that it be referred to a Select Committee of this House.

The Second Provincial Member for the Owerri Province (Mr D. N. Achara) :

Sir, I beg to second.

His Honour the Chief Commissioner :

The question is that this petition be referred to a Select Committee of this House. Those in favour say “Aye” and those to the contrary “No.”

The “Ayes” have it.

Regulations No. 28 of 1951—The Cocoa (Inspection for Export) Regulations, 1951.

Regulations No. 29 of 1951—The Groundnuts (Inspection for Export) Regulations, 1951.

Regulations No. 30 of 1951—The Cotton (Inspection for Export) Regulations, 1951.

Regulations No. 31 of 1951—The Ginger (Marketing and Export) Regulations, 1951.

Regulations No. 32 of 1951—The Capsicums (Inspection for Export) Regulations, 1951.

Regulations No. 33 of 1951—The Cassava Starch (Inspection for Export) Regulations, 1951.

Regulations No. 34 of 1951—The Rubber (Inspection for Export) Regulations, 1951.

Questions

(Asked at the last Budget Meeting of the present session).

The First Provincial Member for the Owerri Province (Mr M. W. Ubani) :

14. To ask the Secretary, Eastern Provinces :—

- (a) What were the terms under which Aba Crown Land was acquired ?
- (b) What is the period of its rent revision ?
- (c) Is it true that there were two portions of land acquired, if so, in what years were the acquisitions made ?
- (d) How much is the annual rent for each portion of land ?
- (e) How much has been paid up to date to the owners of land in the way of annual rent ?
- (f) How many sections of Aba land owners are entitled to these annual rents and how much has each section received up to date ?

Answer—

The Secretary, Eastern Provinces :

(a) Crown Land at Aba was acquired in four stages :—

- (1) The land originally occupied by Government about 1909 as an Administrative Station. This land was acquired by right of conquest and was acknowledged by the Chiefs to belong to Government. No payment was or is made.
- (2) The land which was acquired by the "Hargrove" agreement for the Railway and other purposes, including leases to firms, in 1915. Compensation was paid for damage done to houses, crops and other property. No rent was paid.
- (3) In 1921 an area of 958 acres including item (2) above was acquired outright under the provisions of the Public Lands Acquisition Ordinance.

- (4) In 1923 a further area of 829 acres was acquired in the same way.

The exact terms offered by the Lieutenant-Governor for the 1921 agreement at a meeting at Aba on 22nd July, 1921, and accepted by the owners of the land, were as follows :—

- (i) £200 a year rent to be paid to the owners.
- (ii) Compensation to be paid to anybody living on the land who had a house, for turning him off the land, such compensation to be paid individually to the people who own the houses.
- (iii) Compensation to be paid for trees which the people had planted.

The terms offered for the 1923 agreement at a meeting at Aba on 10th February, 1923, and accepted by the owners of the land, were as follows :—

- (i) That the one or two comparatively large compounds such as that of Chief Oguzor, should not *at present* be compelled to conform to the general lay-out.
- (ii) That the occupants of small scattered houses will have to conform to the general lay-out, compensation being paid for their houses, and they will be given a plot or plots, as near as possible, equivalent to the area of their present holdings at a purely nominal rent.
- (iii) That the rent paid by Government should cover compensation for all palm trees on the land, except individually owned tomo trees for which compensation will be paid as it becomes necessary to destroy them for building purposes.
- (iv) That until such time as the land is required for building purposes the owners will be allowed to farm on the land with the consent of the District Officer, and to reap the fruit of the palm trees.
- (v) The Government to pay a rent of £400 per annum to be divided between the owners in an agreed proportion, as was done in the case of the £200 rent already paid by Government for the original area.

These terms have been carried out by Government.

(b) As all the acquisitions were outright there is no provision for rent revision.

(c) Yes, Sir. As stated above, the first in 1921 and the second in 1923.

(d) The rent paid for the 1921 acquisition is £200 and for the 1923 acquisition, £400.

(e) £17,800 has been paid to date for the two acquisitions.

(f) Fifteen sections. Schedules showing the amounts paid to each, in respect of each agreement, are attached.

1921 AGREEMENT—RENT £200 PER ANNUM 1921-1951=31 YEARS

Quarter	Representative	Amount per year			Total to Date		
		£	s	d	£	s	d
Umugasi	Uka Umuna	15	0	0	465	0	0
	Ikonne	15	0	0	465	0	0
Ezima	Ukomadu	15	0	0	465	0	0
	Nwereji	67	10	0	2,092	10	0
Akoli	Efinghe	6	13	4	206	13	4
Ndiguru	Nwanguma	13	6	8	413	6	8
Umuogukpe	Paul Egbulefu	7	10	0	232	10	0
Umu Iwoma	Wogugu	7	10	0	232	10	0
Umu Agonwa	Obonna Otuonye	7	10	0	232	10	0
Umu Ukaonu	Ahukama	7	10	0	232	10	0
Umu Uruakpa	Nweji	7	10	0	232	10	0
Umu Acha Uku	Ekpendu	7	10	0	232	10	0
Umuonyike	Oni	7	10	0	232	10	0
Umu Owuala	James Onwuala	7	10	0	232	10	0
Umu Okwenye.. ..	Johnson W. Aruh	7	10	0	232	10	0
	Total .. £	—			6,200	0	0

1923 AGREEMENT—RENT £400 PER ANNUM 1923-1951=29 YEARS

Quarter	Representative	Amount per year			Total to Date		
		£	s	d	£	s	d
Umugasi	Uka Umuna	30	0	0	870	0	0
	Ikonne	30	0	0	870	0	0
Ezima	Ukomadu	30	0	0	870	0	0
	Nwereji	135	0	0	3,915	0	0
Akoli	Efinghe	13	6	8	386	13	4
Ndiguru	Nwanguma	26	13	4	773	6	8
Umuogukpe	Paul Egbulefu	15	0	0	435	0	0
Umu Nwoma	Wogugu	15	0	0	435	0	0
Umu Agonwa	Obonna Otuonye	15	0	0	435	0	0
Umu Ukaonu	Ahukama	15	0	0	435	0	0
Umu Uruakpa	Enweji	15	0	0	435	0	0
Umu Acha Uku	Ekpendu	15	0	0	435	0	0
Umuonyike	Oni	15	0	0	435	0	0
Umu Owuala	James Onwuala	15	0	0	435	0	0
Umu Okwenye.. ..	Johnson W. Aruh	15	0	0	435	0	0
	Total .. £	—			11,600	0	0

Total Rent on 1921 Agreement	£	6,200
Total Rent on 1923 Agreement	£	11,600
Grand Total	£	<u>17,800</u>

Supplementary Question to No. 14 by the First Provincial Member for the Owerri Province (Mr M. W. Ubani) :

To ask the Secretary, Eastern Provinces :—

(a) What are the dimensions of the land acquired in 1909 and 1915 ?

(b) To supply copies of the original agreements for the lands acquired in 1921 and 1923.

(c) In view of the fact that no rents were paid in respect of the two acquisitions of 1909 and 1915, does the Secretary not consider it fit and proper that in view of the nature of the agreements and in view of the fact that £200 and £400 were paid for the parcels of land of 1921 and 1923 respectively the question of rent should be considered?

Answer—

The Secretary, Eastern Provinces :

The Member will appreciate that to answer these questions I must have notice so that I can go through the files on the subject. The information required will be forthcoming after due search has been made.

Motions

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House adopt the Report of the
“Standing Committee on Finance for the period January
“to June, 1951, which report has been laid on the table of
“the House.”

The Secretary, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

The question is that the resolution in the terms of the motion be adopted. Will those in favour say “Aye” and those to the contrary “No.”

The “Ayes” have it.

Bills

THE DIRECT TAXATION (AMENDMENT) ORDINANCE, 1951

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :

“Be it resolved : That this House do advise His Excellency the
“Governor that the Bill entitled ‘An Ordinance further to
“‘amend the Direct Taxation Ordinance,’ is acceptable in
“principle to this House.”

Sir, the purpose of the Bill is fully explained in the Objects and Reasons.

Firstly, the Governor may appoint in suitable cases a private employer of labour to be a collector of tax in respect of persons who are at the time in his employment, and secondly, such tax may be deducted at the source from the employees’ emoluments. These provisions extend to such private employees the powers and duties of collection and deduction of tax similar to those already exercised by the Government of Nigeria and Native Authorities under the Direct Taxation Ordinance, and will get over practical difficulties in the collection of tax in certain areas such as the Cameroons Plantations and elsewhere where there is a large and continually moving population. Native Authorities should derive considerable financial benefit thereby without additional cost to themselves.

Sir, I commend this Bill to the House.

The Secretary, Eastern Provinces :

Sir, I beg to second.

The Member for Urban Areas other than Port Harcourt (Rev. O. Efiang, C.B.E.) :

Sir, I would like to say just a few words on the principle of this Bill. I think this is a Bill very much in the right place because it goes directly to the root of affairs and will facilitate the collection of tax among floating populations. I think I shall be voicing the sentiments of the Unofficial Members of this House when I say that the Bill is acceptable to us in principle.

His Honour the Chief Commissioner :

As the mover has nothing to which to reply and if no other Member wishes to speak to the principle of the Bill, I will put the question.

The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-3.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to report that the Bill entitled "An Ordinance further to amend the Direct Taxation Ordinance" passed through Committee without amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE LIQUOR (AMENDMENT) ORDINANCE, 1951

The Resident, Owerri Province :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled 'An Ordinance further to amend 'the Liquor Ordinance' is acceptable in principle to this House."

Sir, the purpose of this short Bill is simply to correct a slight absurdity in the law as it stands at present.

At the moment to secure a licence under the Liquor Ordinance a prospective brewer must get one under the Liquor Ordinance from the Governor and one from the Comptroller of Customs and Excise. One licence should be enough, and in consequence all reference to a brewer's licence under the Ordinance is to be deleted. Clause 2 of the Bill deletes all reference to the necessity of having to take out a licence, and clauses 3 and 4 contain purely consequential amendments.

Sir, I beg to move.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question before the House is that this House do advise His Excellency that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-4.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Resident, Owerri Province :

Sir, I beg to report that a Bill for "An Ordinance further to amend the Liquor Ordinance" passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE EXCISE (AMENDMENT) ORDINANCE, 1951

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled 'An Ordinance further to amend the Excise Ordinance' is acceptable in principle."

Sir, this is tied up very much with the last Bill we have just discussed and it is fully explained in the Objects and Reasons at the bottom of the page as published in the *Gazette*. All I intend to say is that this seeks to change the penalty clause by substituting a heavier penalty in respect of illegally manufacturing beer without a licence. I do not think I need take up the time of the House by saying any more.

In clarification of the functions of the Regional Production Development Boards, that Sessional Paper stated :—

“Regional Boards are proposed in harmony with the present constitutional arrangements and to ensure that within the limits laid down by the legislation each Region will have freedom to dispose of its funds according to its own judgment of the needs of the Region. It is clear, however, that some schemes, particularly those directly affecting palm produce production, will be of interest to both Regions, and it is intended and hoped that there will be a free interchange of information and proposals for the mutual benefit of the Boards and the Regions.

It is not intended that the Boards should spend money on purposes of general welfare, such as the provision of dispensaries, schools, hospitals, etc. The cost of the expansion of Government and Native Administration services of that kind is a proper charge on the revenues of the Government and the Native Administrations. On the other hand, if the Boards are restricted by the legislation to spending the funds available to them solely on the development of the palm produce industry they might be unduly hampered. Perhaps the best indication of the kind of object on which funds might properly be expended is conveyed by the phrase ‘for the development of the industry and the benefit and prosperity of the producers and the areas of production.’ In the opinion of Government, as long as the objects of expenditure are economic and are designed to promote economic well-being and development in the main belts of production, it would be imprudent to restrict unduly the latitude of the Boards.

It is proper to mention that improvement in quality must be a major issue for these Boards, since it is doubtful whether with the resumption of production in the East Indies, Nigerian palm oil can maintain its position in the world’s markets unless there is an improvement in methods of production and extraction and in quality.”

And finally, Sir, before I leave the basic principles as defined in the Sessional Paper, I should like to quote from the speech of the Financial Secretary when moving the first reading of the 1948-49 Appropriation Bill. He said, and I wish to emphasise the importance of his statement :—

“I do want at this stage, Sir, to point out that funds of Boards of this type are trust funds subject only to the direction of the Board. It follows that Government has no claim on the accumulated funds, which cannot be raided by the present Financial Secretary or by his successors. I say this explicitly in order to remove any doubts on this point which may exist in the minds of the producers.”

Now, Sir, turning to the Bill, I wish to remind Members that the functions of the Regional Production Development Board as at present

constituted are defined in sections 38-59 of Ordinance No. 12 of 1949, The Nigeria Oil Palm Produce Marketing Ordinance. Experience of the working of that Ordinance, which came into effect on the 5th April, 1949, has shown a number of defects which made amendment of the existing legislation essential ; methods of overcoming them are described in the Objects and Reasons printed at the end of this Bill.

Meanwhile it was considered necessary to examine the desirability of broadening the basis on which development financed by the funds of the Cocoa Marketing Board might be carried out, and of handing over at least part of the development functions of the Cocoa Marketing Board to a Regional Cocoa Development Board or Boards modelled on the Regional Production Development Boards set up under the Nigeria Groundnut Marketing Ordinance, No, 11 of 1949, and under the Nigeria Oil Palm Marketing Ordinance, No. 12 of 1949. After full discussions with the various authorities concerned it was agreed in principle to transfer the development functions of the Cocoa Marketing Board to the Regional Production Development Boards and further, to excise from the Groundnut Marketing and Oil Palm Produce Marketing Ordinance those sections dealing with the Production Development Boards and to incorporate them in the Regional Production Development Boards Bill on which I am addressing you now, Sir.

As a new Bill was being drafted, the opportunity has been taken to incorporate in it certain clarifications of the fundamental principles underlying the establishment of the Regional Production Development Boards and also certain amendments designed to broaden the scope of the Board's activities. The first principle which it has been deemed necessary to re-emphasise in the Bill is that the large sums of money which the Regional Production Development Boards derive from the Produce Marketing Boards are sums which in fact are virtually trust funds of the producing industry concerned. It is therefore one of the cardinal principles of this Bill, Sir, to ensure that these funds shall be spent on schemes designed to further one or the other of the following objects :—

First, the development of the producing industries in respect of which funds accrue to the Board ; second, the economic benefit or prosperity of the producers ; third, the economic benefit or prosperity of the areas of production ; and lastly, the preliminary investigation of any schemes designed to secure these objects. Members will observe the intentional repetition of the word "economic" in the objects which I have enumerated and will appreciate that the purpose of repeating the word "economic" is to exclude from the activities of the Boards schemes which have a social rather than an economic bias. Schemes which would be likely to bring incidental "social" benefits should not necessarily be excluded from the activities of the Boards, but any such schemes should require to be primarily for the economic benefit of the producers concerned.

It may be objected that these objects are unduly restrictive and would hamper the Boards in applying their funds for the economic benefit of the respective Regions. The reply to this objection is two-fold. In the first place, the Boards are not and never were intended to be general development bodies applying their funds throughout a Region. Any such definition would be at variance with the cardinal principle that the monies which the Boards handle are virtually trust funds of the industry concerned. In the Eastern Region there is, however, nothing to prevent the Board applying its funds widely throughout its Region, since oil palm produce, from which the Eastern Regional Production Development Board derives its funds, grows everywhere in the Eastern Region. It would, however, be otherwise with the Western Regional Production Development Board envisaged in this Bill. That Board would derive its money from two sources : firstly, from oil palm produce and secondly from cocoa. The funds derived from the Oil Palm Produce Marketing Board could properly be applied to the schemes throughout the Western Region, but it is otherwise with funds derived from the Cocoa Marketing Board since the Nigerian cocoa crop is confined to certain well-defined areas. The question whether too rigid an application of cocoa monies will result has been considered with the greatest care in framing the present Bill and the Attorney-General has advised that the Bill as at present drafted will not unduly restrict the application of cocoa monies. He has at the same time retained in the Bill the fundamental principle that the cocoa monies which the Board will receive are virtually trust funds of the cocoa producers and must be spent primarily on schemes designed to benefit them.

Certain other changes of importance have been incorporated in the draft Bill. The existing legislation provides that at least half of the members of the Regional Production Development Boards shall be appointed by the appropriate House or Houses of Assembly. Clauses 4, 5 and 6 of the present Bill incorporate a new procedure whereby a minority of the members of the Regional Production Development Boards will be appointed by the Chief Commissioner concerned from amongst the Members of the Regional House or Houses of Assembly. The purpose of this change is to marry two opposing interests. On the one hand it seems clear that the interests of the Boards would best be served if membership was largely divorced from politics and if appointment were by nomination of the Chief Commissioners. On the other hand, Sessional Paper No. 18 of 1948, on which the existing legislation is based, stresses the fact that the Marketing Boards allocate funds to the Regional Production Development Boards for development expenditure ; that is to say, for public purposes. It is therefore of great importance that unofficial members of the Boards responsible for planning this expenditure should be aware of the programme of regional expenditure and that there should be no overlapping or lack of liaison. It is in order to ensure co-ordination in this sense and to provide responsible regional control of expenditure that the present compromise has been adopted.

I have referred, Sir, to the special difficulty in regard to the application of funds of the Western Regional Production Development Board. Members will agree that it would be contrary to the fundamental principles of the Bill for the Western Regional Production Development Board to merge grants received from the Oil Palm Produce and Cocoa Marketing Boards immediately on receipt and that it will be necessary for the Western Regional Production Development Board to keep separate account of such monies until such time as the Board has voted these funds for expenditure on schemes. It is for this reason that special provisions affecting the Western Regional Production Development Board have been incorporated in clause 19 of the Bill. Further special provisions relating to existing schemes of development undertaken by the Cocoa Marketing Board have been inserted in clause 18.

New provisions designed to facilitate the investment of funds of the Boards have been incorporated in clause 21. The general purpose of this clause is to enable Boards to participate by way of investment in local enterprises of economic benefit to the producers or to the areas of production. Clause 17, subsection 3 of the Bill contains new provisions of importance on which the Bill is based. These new powers have been inserted at the unanimous request of the Regional Production Development Boards and will, it is considered, greatly enhance the usefulness of these Boards to the communities which they serve.

The opportunity has also been taken to insert in the Bill a number of formal or minor changes which experience has shown to be necessary or which it is advisable to make from a drafting point of view.

Sir, I need not enlarge on the importance of this Bill, based as it is on principles which were warmly endorsed by the Legislative Council in 1948. The Eastern Regional Production Development Board has been in existence for the brief period of only two years, during which time it has been largely concerned with building up the organisation necessary for the proper fulfilment of its functions and in carefully investigating and planning schemes of large-scale economic development. The full impact of this planned economic development has not and, indeed, could not be felt in this brief period of existence ; but there can be no doubt of the important part the Board will play in the future economic development of the Region—an importance which I, for one, Sir, think cannot be over-estimated.

Sir, I beg to move.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to second.

**The First Provincial Member for the Owerri Province
(Mr M. W. Ubani) :**

Sir, in rising to support this Bill, I say most emphatically that the immense value of these Boards since they have been set up must have been felt throughout the whole country, and these Boards, as

**The Member for Urban Areas other than Port Harcourt
(Rev. O. Efiog, C.B.E.) :**

I feel, as a member of the Regional Production Development Board, that I should like to say something on the definition of the term "areas of production". For instance, in the Eastern Region the palm oil industry is interspersed throughout the Region, whereas in the Western Provinces the production of cocoa is confined to a limited area. In some industries, as in the case of cocoa, the area of production is limited, and in other industries, as with palm oil production in the Eastern Provinces, it is common to the whole Region. I think the proposed amendment will dislocate affairs for in the Western Provinces it would mean that the cocoa industry would have to benefit the whole Region despite the fact that it is produced in a limited area. Although the amendment is agreeable to the Deputy Director of Agriculture, I do not find it acceptable.

**The First Provincial Member for the Owerri Province
(Mr M. W. Ubani) :**

I do not mind withdrawing the amendment if it is accepted that "areas of production" means the particular locality where that production is produced.

His Honour the Chief Commissioner :

Does the Member wish to continue with his amendment? If so, I will put it to the House.

**The First Provincial Member for the Owerri Province
(Mr M. W. Ubani) :**

I stand by it, Your Honour.

His Honour the Chief Commissioner :

I will put the amendment to the House. The question is that clause 2 should be amended by inserting after the first paragraph commencing "Advisory Committee" a second definition reading as follows :

"'Areas of production' means Eastern, Western or Northern Provinces as defined in the Nigeria Legislative Council Order in Council, 1946."

Will those in favour say "Aye" and those to the contrary "No."

The "Noes" have it.

The question is that clause 2 stands part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 3-16.

Clause 17.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Clause 17, Sir. I beg to move the following amendment, that the proviso to clause 17, subsection 2 be amended by deleting the last eighteen words and substituting the words : "in proportion to the

benefits which it is estimated will accrue from the scheme to each industry, or to the producers in each industry or to the areas of production of each such industry."

The clause as it stands may give rise to difficulties in practice. There are a few schemes that can benefit from one industry only such as the Palm Oil Mills, and in the majority of cases they are designed to benefit the producers in the areas of production. It will be impossible to estimate the proportions, for instance, in which rice mills in a cocoa area will benefit the producers of cocoa, and the Board could not do so except in a most arbitrary fashion not acceptable to the Law Officers and the Board's accountants who would be in an embarrassing position. This amendment has been put forward by the Western Provinces due to the mixture of palm oil, cocoa and rice being inextricably tangled up.

His Honour the Chief Commissioner :

The question is that the proviso in sub-clause 2 of clause 17 should be amended by the deletion of the last eighteen words in the sub-clause and the insertion in their place of the following :—

"in proportion to the benefits which it is estimated will accrue from the scheme to each industry, or to the producers in each industry or to the areas of production of each such industry."

Will those in favour of the amendment say "Aye" and those to the contrary "No."

The "Ayes" have it.

The question is that clause 17 as amended stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 18-23.

Clause 24.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Clause 24, Sir. I beg to move the following amendment, that clause 24 be amended by the insertion of "with the approval of the Chief Commissioner" after the word "may" in the third line.

His Honour the Chief Commissioner :

The question is that clause 24 be amended by the insertion of the words "with the approval of the Chief Commissioner" after the word "may" in the third line of that clause. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The question is that clause 24 as amended stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

In clauses 10, 11 and 12 the opportunity has been taken to substitute for the general penalty clause contained in the principal Ordinance specific penalties for contraventions of the Ordinance. The specific penalties for which it is desired to legislate are identical with the penalties provided for under the existing general penalty clause.

Sir, I beg to move.

The Acting Resident, Cameroons Province :

Sir, I beg to second.

His Honour the Chief Commissioner :

The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-4.

Clause 5.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Clause 5, Sir. I beg to move the following amendment, that clause 5 be deleted and the following substituted :—

"Clause 5. Section 17 of the principal Ordinance is hereby amended by the deletion of the full stop where it appears at the end of paragraph (h) thereof and by the substitution of a semicolon, and by the addition thereafter of the following new paragraph :—

'(i) To apply its funds to the purposes prescribed by section 26'."

Sir, there appears to be some sort of muddle here. As it stands (i) is exactly the same as (h) in the principal Ordinance and this amendment seems to be the best way of sorting it out. It has been repeated a second time under a new letter, but there does not seem to be much sense in it.

His Honour the Chief Commissioner :

The question is that clause 5 be amended by the deletion of the clause as it stands and by the substitution of the following in its place as clause 5 :—

"Clause 5. Section 17 of the principal Ordinance is hereby amended by the deletion of the full stop where it appears at the end of paragraph (h) thereof and by the substitution of a semicolon, and by the addition thereafter of the following new paragraph :—

'(i) To apply its funds to the purposes prescribed by section 26'."

Will those in favour of the amendment say "Aye," and those to the contrary "No."

The "Ayes" have it.

The question is that clause 5 as amended stand part of the Bill.

Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 6-12.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to report that the Bill entitled "An Ordinance further to amend the Nigeria Cocoa Marketing Board Ordinance" passed through Committee with one amendment.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency the Governor that this Bill as amended in Committee is acceptable to this House. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

THE NIGERIA OIL PALM PRODUCE MARKETING (AMENDMENT)
ORDINANCE, 1951

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that the Bill entitled 'An Ordinance further to amend the Nigeria Oil Palm Produce Marketing Ordinance, '1949,' is acceptable in principle."

Sir, certain amendments to the Nigeria Oil Palm Produce Marketing Ordinance, 1949, will be necessary in consequence of passing the Regional Production Development Boards Bill into law or are desirable from a drafting point of view.

Section 26 of the principal Ordinance is brought into line with the ideas expressed in the new Production Development Board Ordinance. Sections 64 and 65 of the principal Ordinance are repealed and specific penalties for contraventions of the Ordinance substituted for the existing general penalty clause in section 64. The specific penalties are the same as those provided for in the existing legislation.

Sir, I beg to move.

The Acting Resident, Ogoja Province :

Sir, I beg to second.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

Clerk of the House :

Enactment.

Clauses 1-6.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to report that the Bill entitled "An Ordinance further to amend the Nigeria Oil Palm Produce Marketing Ordinance, 1949," passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE NIGERIA GROUNDNUT MARKETING (AMENDMENT)
ORDINANCE, 1951

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that the Bill entitled 'An Ordinance further to amend the Nigeria Groundnut Marketing Ordinance, 1949,' is acceptable in principle."

Sir, certain amendments to the Nigeria Groundnut Marketing Ordinance, 1949, have been found necessary as the result of experience gained in operating the Ordinance. A definition of the Eastern Region has been inserted in section 2 because a small quantity of oil seeds covered by this Ordinance is graded for export in the Region. The Eastern Regional Production Development Board has, in fact, already received a small cheque from the Groundnut Marketing Board.

The amendments to section 26, subsections (j) and (k) of the principal Ordinance will be necessary in consequence of passing the Regional Production Development Boards' Bill into law.

Sections 62 and 63 of the principal Ordinance are repealed and specific penalties for contraventions of the Ordinance substituted for

the existing general penalty clause in section 62. The specific penalties are the same as those provided for in the existing legislation.

Sir, I beg to move.

The Acting Deputy Director of Public Works, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency that this Bill is acceptable in principle. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-7.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to report that the Bill entitled "An Ordinance further to amend the Nigeria Groundnut Marketing Ordinance, 1949," passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE NIGERIA COTTON MARKETING (AMENDMENT) ORDINANCE, 1951

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that the Bill entitled 'An Ordinance further to amend the Nigeria Cotton Marketing Ordinance, 1949,' is acceptable in principle."

Sir, the object of this Bill is to repeal sections 44 and 45 of the principal Ordinance and to substitute for the existing general penalty clause in section 44, specific penalties for contraventions of the Ordinance. The specific penalties are the same as those provided for in the existing legislation.

Sir, I beg to move.

The Acting Resident, Ogoja Province :

Sir, I beg to second.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-4.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Deputy Director of Agriculture, Eastern Provinces :

Sir, I beg to report that the Bill entitled "An Ordinance further to amend the Nigeria Cotton Marketing Ordinance, 1949," passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

The Secretary, Eastern Provinces :

Sir, I would suggest—and I have had a word with my friend the Member for Urban Areas other than Port Harcourt—that possibly we could start at 9.30 in the morning and go on throughout and finish each day, and I think this is the wish of all concerned. I am not pressing 9.30, but as things are going we should be able to finish the bills before us by Saturday. I would remind the House, however, that we have two Select Committees at the present moment.

His Honour the Chief Commissioner :

Is it the pleasure of Members that we shall resume at 9.30 tomorrow morning? (Aye).

That being so, I will adjourn the House until 9.30 tomorrow morning.

Adjournment

The House adjourned at 12.15 p.m.

Debate in the Eastern House of Assembly

Friday, 20th July, 1951

Pursuant to notice the Members of the Eastern House of Assembly met in the Council Chamber, Enugu, at 9.30 a.m. on Friday, the 20th of July, 1951.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Eastern Provinces,
Cdr. J. G. Pyke-Nott, C.M.G., R.N.
- The Secretary, Eastern Provinces,
Cdr. S. E. Johnson, R.N.
- The Resident, Owerri Province,
Mr J. S. Smith.
- The Resident, Rivers Province,
Mr H. J. S. Clark.
- The Acting Resident, Ogoja Province,
Mr J. Brayne-Baker.
- The Acting Resident, Calabar Province,
Mr A. B. Westmacott.
- The Acting Resident, Cameroons Province,
Mr G. R. Osborn.
- The Acting Resident, Onitsha Province,
Mr H. J. M. Harding.
- The Acting Secretary (Finance), Eastern Provinces,
Mr C. T. C. Ennals.
- The Acting Deputy Director of Medical Services, Eastern
Provinces,
Dr N. E. W. Anderson.
- The Acting Deputy Director of Education, Eastern
Provinces,
Mr A. H. Smith.
- The Acting Deputy Director of Agriculture, Eastern
Provinces,
Mr A. F. W. Sheffield.
- The Acting Deputy Director of Public Works, Eastern
Provinces,
Mr W. A. Dow.
- The Acting Senior Crown Counsel, Eastern Provinces,
Mr G. G. Briggs.

UNOFFICIAL MEMBERS

- The Member for Urban Areas other than Port Harcourt,
Rev. O. Efiang, C.B.E.
- The First Provincial Member for the Onitsha Province,
Mr P. E. Chukwurah.
- The First Provincial Member for the Owerri Province,
Mr M. W. Ubani.
- The First Provincial Member for the Calabar Province,
Mr Asuquo Okon.
- The Second Provincial Member for the Cameroons Province,
Galega, Fon of Bali.
- The Second Provincial Member for the Onitsha Province,
Mr C. D. Onyeama.
- The Member for Urban Aspect of Life in Port Harcourt,
Mr G. C. Nonyelu.
- The Second Provincial Member for the Owerri Province,
Mr D. N. Achara.
- The Second Provincial Member for the Calabar Province,
Mr Nyong Essien.

ABSENT

UNOFFICIAL MEMBERS

- The First Provincial Member for the Cameroons Province,
Mr J. Manga Williams, O.B.E.
- The Member for Professional, Salaried and Wage-earning
Classes,
Mr L. N. Mbanefo.
- The Member for African Commercial Interests,
Mr G. H. H. O'Dwyer, O.B.E.
- The Provincial Member for the Ogoja Province,
Sir Francis Ibiam, K.B.E.
- The Provincial Member for the Owerri (Rivers) Province,
Mr H. Buowari Brown, O.B.E.
- The Member for Educational Interests,
Mr A. Ikoku, O.B.E.

Prayers

The President opened the proceedings of the House with prayers.

Confirmation of Minutes**His Honour the Chief Commissioner :**

The minutes of the last meeting having been printed and circulated to Members, is it your pleasure that they should be confirmed? (Aye).

Administration of Oaths

The following took the Oath of Allegiance as Member of the House:—

Mr H. J. S. Clark, Resident, Rivers Province.

Papers Laid

The Secretary, Eastern Provinces :

Sir, I beg to lay on the table the papers appearing under my name on the Order Paper for the day, namely :—

- (i) Report of an Enquiry into the proposal to introduce Local Rating in Aid of Primary Education in the Eastern Region.
- (ii) Memorandum on Negotiating Machinery for Teachers' Salaries.

Motions

The Secretary, Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House adopt the Report of an Enquiry into the proposal to introduce Local Rating in aid of Primary Education in the Eastern Region, which Report has been laid on the table of this House.”

Members of this House will recollect that a paper was tabled in the House in 1950 by the Deputy Director of Education and the House referred it to a Select Committee ; that Select Committee in turn referred the matter to a sub-Committee, which I will for the sake of convenience call the Brayne-Baker sub-Committee. That sub-Committee's Report is before the Members of this House. A further sub-Committee was set up to consider the Brayne-Baker Report, and the Report of that second sub-Committee is also before Members of this House.

The Select Committee met finally yesterday and, for the sake of clarity, Sir, I propose to read out the final Report of the Select Committee :—

“The Select Committee on Education Rating of the Eastern House of Assembly met on the 19th July, 1951, and submits the following report to the House.

2. The Select Committee proceeded to examine the Report part by part. It noted that Part I, page 7, Table I, needed correction. The figures under the estimates there were found to be wrong. Under the Estimates for 1950-51 the figure of £490,484 should be deleted and the figure of £469,484 should be inserted. No corrections were needed in Part II, but in Part III corrections were necessary on page 60 and in Appendix B, where there occurred minor printer's errors. There is also one major correction in the fourth line of page 64, paragraph 13, where Mr P. E. Chukwurah should be inserted for Mr D. N. Achara.

3. The Committee proposed that the corrections required in paragraph 2 above should be made in the form of a corrigenda slip to be inserted in the Report.

4. The Select Committee recommends to the House : That the Report of an Enquiry into the proposal to introduce local rating in aid of primary education in the Eastern Region, together with its Appendices, be adopted by the House.”

Sir, I beg to move.

The Acting Deputy Director of Education, Eastern Provinces :
Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the motion I will put the question. The question is that the motion be adopted. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Acting Deputy Director of Education, Eastern Provinces :
Sir, I beg to move the following :—

"Be it resolved : That the memorandum on Negotiating Machinery
"for Teachers' Salaries which has been laid on the table of
"this House be referred to a Select Committee of the House."

This memorandum has already been circulated to Members.

The Secretary, Eastern Provinces :
Sir, I beg to second.

His Honour the Chief Commissioner :

The question is that the motion be adopted. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

I will announce the composition of the Select Committee at the end of this meeting.

Bills

THE PENSIONS ORDINANCE, 1951

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the
"Governor that the Bill entitled 'An Ordinance for Regulating
"Pensions and Gratuities to be granted to officers in respect
"of offices held by them in His Majesty's service in Nigeria,'
"is acceptable in principle to this House."

Sir, the main objects of the Bill, which may appropriately be called the Consolidated Pensions Bill, are firstly to simplify the existing Ordinances and Regulations which in the course of time have become overloaded with amendments. Secondly, to give permanent legal form to the existing temporary increases in pensions legislation which, Sir, will be found in clauses 18-20 of the Bill and the Second Schedule thereto, and to the revised conditions of service effected by Sessional Paper No. 4/1947, and thirdly, to consolidate the European and non-European Officers' Pensions Ordinances, Chapters 62 and 160.

Opportunity has also been taken, Sir, to embody in the legislation the administrative practice presently applied under Public Notice No. 4 of 1946 whereby mixed Government and Native Authority service is treated as continuous for the purpose of computing final retiring benefits. Provision has also been made to cover Government officers, otherwise disqualified for the award of retiring benefits, so that they may be granted a pension or gratuity on retirement from the public

service in order to take up appointment as a Native Authority or as a member of a Native Authority with the prior consent of the Governor, if the Governor is satisfied that such retirement is in the public interest. In this connection I invite reference to clause 7 (9) of the Bill and to regulation 8 of Part III of the First Schedule. Members will observe that under clause 7 (9), save in exceptional circumstances, the payment of the pension which may be so awarded has been deferred until the officer attains the age of voluntary retirement.

I do not propose to weary Members, at this stage, by going through the Bill clause by clause. But with your permission, Sir, I will mention those clauses and regulations to which it is considered special reference should be made.

Members will observe that clause 7 (10) of the Bill is new. The object of this amendment is to cover those officers in the Nigerian Police and Prison Service who serve a term of years on enlistment and whose retirement would not otherwise be covered for the grant of a pension and for gratuity under the Bill, although they are pensionable officers by virtue of their rank.

The attention of Members is also invited to provisos (a) and (d) of clause 17 (1) of the Bill which deals with pensions to dependents when an officer is killed on duty. The circumstances in which pensions fall to be paid under clause 17 (1) are seldom likely to arise, since a pension can only be awarded under this clause when an officer dies as a result of injuries received in the direct execution of his duty. Further, the existing legislation, to the limited extent of its application, does not cover the case of polygamists who leave more than one widow. It is deemed necessary in the case of such officers to make it possible for the Governor, in his discretion, to distribute any benefits which might be awarded amongst the deceased officer's relicts. Under the main clause, and having regard to proviso (a), all the children of the deceased officer up to six in number, are eligible for benefits, but under proviso (d), while widows' pensions have been made payable to more than one widow, the aggregate amount of the benefits are not permitted to exceed the sum which would be awardable to one widow.

Finally, the attention of Members is invited to regulation 26 (3) which has been so drafted in order to ensure that the most generous treatment possible shall be accorded to an officer or his dependents where, owing to abnormal circumstances, he has been unable to exercise his option to receive either a pension or a reduced pension and gratuity. Recently a Government officer went on leave pending retirement and shortly after going on leave he became seriously ill. Some fourteen days before the date of his retirement he became so ill as to be unable to deal with his day-to-day affairs. Up to this time he had not exercised his option. He died a few days after he finally retired without ever having recovered sufficiently to consider the question. Under the strict application of the existing law his widow could not have enjoyed the benefit of the gratuity which he would have drawn had he exercised his option to commute one-fourth of his pension. In that particular

England, or any other part of the world he can draw his pension, but if he takes an appointment with a company in Nigeria or if the company he serves has a large part of its business in Nigeria, then he will lose his pension rights. That is wrong. If the idea is to prevent a person drawing a pension from taking a job, why single out Nigeria? It applies only to Nigerians in as much as a Nigerian pensioner taking up a job with a firm loses his pension rights, unless he has prior consent from the Governor, whereas if he went to the Gold Coast with a firm his pension rights would be intact. That is wrong in principle.

Your Honour, I will not take up any more time by going further through this Ordinance. It is sufficient for me to say that for the reasons I have already given I would not support the Bill in principle.

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I rise to support this Bill. I think I must point out that pensions are not granted as of right. Pensions are by way of a "dash" and so are gratuities. No one, therefore, has a right to the pensions which may be conferred under this Ordinance. That, in my opinion, Sir, is the fundamental principle of this Bill.

The second principle is that this Bill applies to all Government officers. It has been suggested that clause 13, which deals with bankruptcy provisions, is unnecessary as it only applies to expatriate officers at the moment. I might argue, Sir, that since clause 17 (1) (d) only applies to polygamous marriages, that clause should be deleted. But no, Sir, there are polygamous Government servants and expatriate Government servants and there must be provision for both.

As we have heard, the bases on which pensions are computed are stated in clause 2. It would be idle to suggest that it is not a contentious statement that expatriation pay shall be included as if it were salary, but the arguments I have listened to surprise me. I suggest that I do not cease to be a Crown Counsel when I go to England. Why should I cease to be "an expatriate officer?" When I retire, I am a retired expatriate Crown Counsel and my pension should be computed on that basis. I suggest that my friend, the Second Provincial Member for the Onitsha Province, has only put up the most meretricious argument which is out of place in a debate on a Pensions Ordinance and should have been put up to a Finance Committee.

Sir, there is one other point with which I should like to deal and that is, the question of the polygamous widows. The purpose of clause 17 (1) (d) is to prevent "widow palaver" where there are several widows. I have no personal experience of this, Sir, but presumably if only one gets all the money they all go to court. In the present Ordinance the position is, I believe, that only one widow gets the whole sum. It is suggested that that is not quite right and that in suitable circumstances that single sum shall be divided amongst the widows or amongst some of them. It has never been suggested that all and every widow should each get a complete widow's pension. It might burden the finances of this country to an intolerable extent. It is suggested, however, that an amendment to the present law is desirable, and of course it is permissive.

I have only one other point to mention, Sir, on the principle of the Bill, and it is this. All pensions legislation is in a world apart. It is peculiarly complicated because it has always to deal with minute differences between various bodies and groups of people. That is why a large portion of the Bill before us now appears to be written in such tedious language. It is the result of many amending Ordinances and many decisions taken in Executive Council, and at last we have been able to get, as it were, a code on pensions. This is far better than having provisos to provisos scattered through the law books which are difficult to understand.

Sir, I commend this Bill in principle.

The Member for Urban Areas other than Port Harcourt (Rev. O. Efiang, C.B.E.) :

Sir, speaking to the principle of this Bill I would say that I endorse most of the things which have been said by the Second Provincial Member for the Onitsha Province.

The question of an individual losing his pension rights when he engages with a company or in business here in Nigeria is to me quite unjustifiable. It seems to me that when one acquires pension rights one has done something in order to acquire that right, and that right should not be taken away even if the pensioner is engaged in the situation described in clause 15. It will probably be better to put this right at the Committee stage. I hope the mover will explain this particular clause to me when he comes to points of explanation.

Clause 13 has been spoken of at length, but I do feel, Sir, that bankruptcy is just the type of position which calls for money and it is hard if the bankrupt is denied that money. There is the extenuating circumstance that the Governor may at his discretion use that money to meet the requirements of the family of the bankrupt, but there is nothing in the Bill to say that the bankrupt himself will be helped, and that raises some perplexity in my mind.

Most of the things I would like to say with regard to this Bill have already been said and I do not want to multiply words.

I thank you, Sir.

The Resident, Owerri Province :

The withholding of pension from an officer who becomes bankrupt is a most useful provision on the part of Government for it prevents his creditors from seizing it. As has been said already in this debate, pension is not of right and it should not go to a lot of creditors ; rather it should go to the children or wife.

The First Provincial Member for the Owerri Province (Mr M. W. Ubani) :

Looking through this Bill I am convinced that the principle underlying the consolidation of the previous Ordinances and Regulations is a right one, but I am not happy about the complications in the frame-up of the present Bill before us, and I would suggest that we might consider

deferring this Bill for further consideration so that we can have proper clarification. This is a matter which is very vital to the life and services of all our civil servants and it should not be rushed.

I would not vote in favour of this Bill as it stands, but I do support the idea and principle underlying it—the consolidation of the Ordinances and Regulations.

**The Second Provincial Member for the Calabar Province
(Mr Nyong Essien) :**

I rise to support the Second Provincial Member for Onitsha Province in opposing this Bill as a whole. I will take first of all the definitions in clause 2. The definition of an expatriate officer reads—“‘Expatriate Officer’ means an officer who draws expatriation pay.” When one asks the question what is expatriation pay? The answer is “payment made to an expatriate officer.” I think that is a play with words. What is the real and full meaning of expatriate officer? An expatriate officer, I am open to correction, Sir, is an officer who crosses over from his own birthplace where he is a citizen to a place where he is considered as an alien, and serves there. As such, Sir, he receives expatriation pay: thus compelling him to remain in that service. But the time may come when he returns to his own home, and naturally he becomes a citizen of that place and he ceases to be an expatriate officer. Then why should he continue to draw expatriation pay?

For that reason, Sir, I oppose this Bill, and I would move that this Bill be deferred *sine die*.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

I should like to add one point against this Bill which has escaped the attention of the Second Provincial Member for Onitsha Province, and that is clause 17 (1) (a), (b) and (c) : “Where an officer dies as a result of injuries received—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty, while in the public service of Nigeria . . .”

That makes it imperative that if a person dies during the course of his duties he must fulfil these three conditions before he is entitled to anything. I would suggest that “and” where it occurs should be changed to “or.” I think it would be sufficient to say that a person is entitled to pension if he dies from injuries received in the course of his duties. As far as I can see all the rest really raises a lot of complications and may lead to a lot of legal interpretations.

The First Provincial Member for the Calabar Province (Mr Asuquo Okon) :

It is not really necessary to add anything to what has already been said by my friends. I have always been led to think of expatriation pay as an inducement pay. And if I am right, it seems iniquitous to have to pay any pension on that inducement pay. I say this in answer

to the arguments of my learned friend, the Senior Crown Counsel, who says that when he retires he retires as an expatriate officer and that he is entitled to have pension paid on that which he had had as an expatriate officer. I may mention, Sir, that expatriation pay is not paid to all government servants but only to a certain section of the members of the service. To my mind pension should not be attached to it at all.

Again, he says that pension is a sort of a "dash." I do not know. I think when a person qualifies for a pension he can claim it as of right, and it is then not a dash.

I do not want to bother the House with further observations on this Bill. In one word, I think it is discriminatory, and for that reason alone I oppose it.

The First Provincial Member for the Onitsha Province (Mr P. E. Chukwurah) :

Your Honour, I should very much like to know why a person who is bankrupt and who takes appointment in Nigeria should lose his pension. I should very much like to know the reason why, since another bankrupt who is outside the country can take appointment and not lose his pension.

According to Crown Counsel, pension is something like a dash. If it is a dash, then I cannot understand why one should lose his dash because he has taken up appointment in Nigeria.

I endorse what my friend the Second Provincial Member for Onitsha Province has said, except that I cannot find my way clear to support the idea that all widows of a polygamous marriage should receive equal pensions to a sole widow, because that in itself will mean a heavy burden on the finances of this country if a man has many wives. The pension which widows derive are due to them because of the service that has been rendered to the country by the husband, and since there is only one husband they should only derive the pension accruing to the one person only.

Apart from that I do not think I shall in any way be merciful to this Bill and I support what has been said by the Member for Calabar Province that it should be deferred in order to make the necessary changes to this Bill which will make it acceptable to us.

The Acting Resident, Onitsha Province :

Sir, the First Provincial Member for the Calabar Province tried to distinguish between pay and expatriation pay by the use of the words "inducement pay." But to me it appears that all pay is inducement pay and I think it is a wrong argument.

My friend on my left, the Second Provincial Member for Onitsha Province, made the point that when you are a pensioner you are not an officer. I agree with him. Once you have finished being an officer you become an ordinary private citizen, but you cannot say that an expatriate officer should be distinguished from other officers. On his argument, every officer when he ceases to become an officer should cease to draw pension.

**The Second Provincial Member for the Owerri Province
(Mr D. N. Achara) :**

I think the point we have to make is against expatriation pay and not whether an officer receives a pension or not. This question came up about two years ago, when it was said that when an officer comes out to Nigeria he has to maintain two homes. What I should like to know is, does an officer, when he retires from Nigeria and goes home to England, still continue to maintain two homes? Expatriation pay seems to me one-sided. If it is a benefit given to people to get them to serve the Government of Nigeria it should be given to everyone and not to just one section of the people.

Whatever may be the good motives behind the drawing up of this Bill, the fact that there is discrimination as far as expatriation pay is concerned spoils my view of it and I think the Bill should be deferred.

His Honour the Chief Commissioner :

If no other Member wishes to speak to the principle of the Bill I will call on the mover to reply.

The Acting Secretary (Finance), Eastern Provinces :

The Second Member for the Onitsha Province and others have been exercised in their minds concerning the effect of clause 15 of the Bill, which says that pensions may cease on the acceptance of certain appointments. I underline the word "may." Clause 15 reproduces the provisions of section 15 of the European Officers Pensions Ordinance, Chapter 62 and clause 16 of the Non-European Officers Pensions Ordinance, Chapter 160. No difficulty in the past has ever been experienced in administering the provisions of these clauses and, so far as it has been possible to ascertain, there is no case where permission such as is mentioned in this section has been withheld. Members can be assured that the permission of the Governor would not be withheld save in very exceptional circumstances ; for instance, where it was obvious that an officer by accepting a directorship would place himself in an impossible position as a loyal servant of the Government. It would be impossible, for example, for a senior officer of the Public Works Department to become a director, shall we say, of Messrs Costains. Cases of this type are not likely to arise in the future any more than they have arisen in the past, and it is not considered that there need be any cause for anxiety in this matter.

I should like to draw attention to one or two matters mentioned by Members. Clause 17 was referred to by the Member for the Urban Aspect of Life in Port Harcourt. He referred to when an officer dies as the result of injuries received in the actual discharge of his duties and without his own default, and on account of circumstances specifically attributable to the nature of his duty, etc. If the word "and" were taken away and the word "or" inserted it would make little sense. We cannot give benefits to officers who put themselves through their own fault in a case where they die as a result of injuries received. If a railway fireman were to be scalded to death by the explosion of the

boiler of the engine which he was attending, that would be a typical example of where this clause would apply.

Members have mentioned the discriminatory implications of the definitions in clause 2 of the Bill relating to expatriate officers and expatriation pay. On a point of explanation I would like to say that those who were responsible for drafting the new pensions law were concerned only with pensionable emoluments as they found them and, in fact, the treatment of the emoluments of expatriate and non-expatriate staff for pension purposes are identical.

His Honour the Chief Commissioner :

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

I think the "Ayes" have it.

The Second Provincial Member for Onitsha Province (Mr C. D. Onyeama) :

I would ask for a division, Sir. Many of our side are away and we are fighting at a disadvantage. Would your Honour be disposed to place the House more evenly by asking some of the Official Members to refrain from voting ?

The Second Provincial Member for the Calabar Province (Mr Nyong Essien) :

I think it is said that in any motion in the House which the African Unofficial Members are against unanimously, that motion should be deferred for reconsideration.

The Secretary, Eastern Provinces :

I know of no standing rule or order to that effect.

His Honour the Chief Commissioner :

Would the Member quote his authority. I do not think that what the Member has suggested is possible in any form of legislation.

The Member for Urban Areas other than Port Harcourt (Rev. O. Efiang, C.B.E.) :

We Unofficial Members are far too few and in the voting we are at a disadvantage and it would be appreciated if we could equalize.

His Honour the Chief Commissioner :

I think that would be a precedent which would be a wrong one. I think that where there may be a favourable balance in the House, whether it be on one occasion or another, that balance should be allowed to operate, and I think that this division must go according to the feelings of the House. I will, of course, in submitting the Bill to His Excellency, if by any chance the voting is against the Unofficial Members, refer to the fact when it is sent forward that the Unofficial Members were unanimously in opposition to the principle of the Bill : that is to say if the division shows that all the Unofficial Members are unanimously in opposition.

DIVISION

Ayes 15

The Member for Urban Areas other than Port Harcourt.
 The Acting Senior Crown Counsel, Eastern Provinces.
 The Acting Deputy Director of Public Works, Eastern Provinces.
 The Acting Deputy Director of Agriculture, Eastern Provinces.
 The Acting Deputy Director of Education, Eastern Provinces.
 The Acting Deputy Director of Medical Services, Eastern Provinces.
 The Acting Secretary (Finance), Eastern Provinces.
 The Acting Resident, Onitsha Province.
 The Acting Resident, Cameroons Province.
 The Acting Resident, Calabar Province.
 The Acting Resident, Ogoja Province.
 The Resident, Rivers Province.
 The Resident, Owerri Province.
 The Secretary, Eastern Provinces.
 The Chief Commissioner, Eastern Provinces.

Noes 8

The Second Provincial Member for the Calabar Province.
 The Second Provincial Member for the Owerri Province.
 The Member for Urban Aspect of Life in Port Harcourt.
 The Second Provincial Member for the Onitsha Province.
 The Second Provincial Member for the Cameroons Province.
 The First Provincial Member for the Calabar Province.
 The First Provincial Member for the Owerri Province.
 The First Provincial Member for the Onitsha Province.

His Honour the Chief Commissioner :

The result of the division is "Ayes" 15, "Noes" 8.

The "Ayes" have it.

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

The House is in Committee.

The Clerk of the House :

Enactment.

His Honour the Chief Commissioner :

The question is that the Enactment stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The House is in Committee.

The First Provincial Member for the Calabar Province (Mr Asuquo Okon) :

Your Honour, shall we take the Bill in groups of clauses ?

His Honour the Chief Commissioner :

I should be very grateful to Members if they would accept this, that we take the Bill in parts of, say, five clauses at a time. Would that be acceptable to Members. (Aye).

The Clerk of the House :

Clauses 1-5.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

Sir, I beg to move that under clause 2 (a) the words "expatriation pay" be deleted.

His Honour the Chief Commissioner :

The question is that clause 2, sub-clause (a) should be amended by the deletion of the words "expatriation pay" where they appear in the third line thereof. Will those in favour say "Aye" and those to the contrary "No."

The "Noes" have it.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

I beg to move also that clause 3, sub-clause 3 be deleted. The object of the deletion is to make sure that no person shall have pension retrospectively just by Order in Council.

His Honour the Chief Commissioner :

The question is that clause 3, sub-clause (3) should be deleted. Will those in favour say "Aye" and those to the contrary "No."

The "Noes" have it.

The question is that clauses 1-5 stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 6-10.

His Honour the Chief Commissioner :

The question is that clauses 6-10; stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 11-15.

The Member for Urban Areas other than Port Harcourt (Rev. O. Efiog, C.B.E.) :

I rise to propose an amendment to clause 15 by asking for the entire deletion of that clause. We have contested this clause during the examination of the principle of the Bill. I suggest this clause be deleted and the clauses thereafter renumbered.

His Honour the Chief Commissioner :

The question is that clause 15 be deleted and that the subsequent clauses are renumbered. Will those in favour say "Aye" and those to the contrary "No."

The "Noes" have it.

The question is that clauses 11-15 stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 16-20.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

I beg to move the following amendment to clause 17 (1) (a), that "and" should be changed to "or" and where it occurs also in clause 17 (1) (b).

His Honour the Chief Commissioner :

The question is that clause 17, sub-clause (1) in line (a) and (b) that follow be amended by substituting "or" for "and" where it occurs at the end of each phrase. Will those in favour say "Aye" and those to the contrary "No."

The "Noes" have it.

The question is that clauses 16-20 stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clauses 21-25.

First Schedule.

Second Schedule.

Third Schedule.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to report that the Bill for "An Ordinance for Regulating Pensions and Gratuities to be granted to officers in respect of offices held by them in His Majesty's Service in Nigeria" passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE INTERPRETATION (AMENDMENT) ORDINANCE, 1951

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled 'An Ordinance further to amend "the Interpretation Ordinance,' is acceptable in principle to "this House."

This, Sir, is lawyer's law pure and simple. It is explained in the objects and reasons and I do not think I need say any more than to ask the House to accept the Bill in principle. The important clause is clause 3. No rights are affected and it merely seeks to increase the speed of Court procedure.

I make haste to say that this Bill is not being introduced for my personal convenience.

The Acting Resident, Onitsha Province :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-3.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to report that a Bill entitled "An Ordinance further to amend the Interpretation Ordinance" passed through Committee without amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE LOCAL BORROWINGS ORDINANCE, 1951

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled 'An Ordinance to authorise
" 'the borrowing of moneys from certain public authorities
" 'and corporations in Nigeria,' is acceptable in principle to
" 'this House.'"

Sir, the purpose of this Bill is to provide Government with legislative authority to accept long-term loans from such bodies for the purpose of implementing Government's loan programme for development and welfare. A secondary object is to provide a statutory basis for two loans already taken up by Government, one from the University College, Ibadan, and the other from the West African Airways Corporation.

The first loan comprises £250,000 approved by the Legislative Council in 1948 as a contribution to the Endowment Fund of the University College and £225,000 contributed by the Nigeria Cocoa Marketing Board to the same fund. The University Authorities, being anxious to invest this money locally, offered to lend it to Government for a period of forty years, Government having the option to repay the loan after twenty-five years on giving not less than twelve months' notice. This offer was accepted and the loan taken up at 3 per cent interest per annum. As indicated in paragraph 34 of the Memorandum on Approved Estimates, 1951-52, the Standing Committee on Finance of the Legislative Council in January, 1951, approved the provision of £500,000 as a further grant to the Endowment Fund and it is anticipated that the University College will wish to invest this amount for the time being by lending it to Government, and the necessary provision for interest charges was included in the Approved Estimates, 1951-52.

The second loan comprises an investment by the Corporation of monies standing to the credit of their Renewals Fund, accepted at the request of the Corporation as a convenient method of putting this portion of fund on deposit within Nigeria. Interest at the rate of 2 per cent per annum is payable, calculated monthly on the total of the amount currently in the hands of Government, the maximum amount so deposited on these terms being limited to £100,000. This is the amount at present held by Government.

It is considered that with the growth in the number of public corporations established in Nigeria and the development of local government bodies throughout the country, requests for similar facilities for placing money on deposit with Government may be expected to increase. In this connection it should perhaps be pointed out that legislative provision already exists for the Produce Marketing Boards to lend money to (and borrow money from) Government, under the terms of their Establishing Ordinances. There is no need for similar powers to be extended to such bodies as the Local Development Boards (*e.g.*, the L.E.D.B. and the Regional Development Boards) since they are merely executive bodies set up by Government to administer development funds already voted by the legislature or raised in loans. In view of this the number of bodies to which the proposed Ordinance should apply has been limited to those enumerated in the Schedule to the Bill.

Sir, I commend this Bill to the House.

The Secretary, Eastern Provinces :

Sir, I beg to second.

The First Provincial Member for the Onitsha Province (Mr P. E. Chukwurah) :

On point of information, Sir, may I know whether this has anything to do with investments by Native Authorities in foreign countries ?

**The First Provincial Member for the Calabar Province
(Mr Asuquo Okon) :**

On a further point of information, I should like to know why private companies have been excluded. Clause 2 says "The Government is hereby authorised to receive from time to time loans of money from any of the public authorities and corporations specified in the Schedule." That certainly excludes private companies.

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, surely it would be wrong in principle for Government to become mixed up in the murky waters of commerce. If Government wished to obtain a loan from a large private concern it would, I suggest, require another Bill, and that Bill would be thrown out of this House at once. We must surely maintain Government away from private interests. I suggest, also, that private companies would be unlikely to loan money to Government at 2 per cent.

The answer to the First Provincial Member for Onitsha Province is No. There is another Bill before this House which will be dealing in some sense with the securities held by Native Authorities at present in foreign countries.

His Honour the Chief Commissioner :

If no other Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-5.

Schedule.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to report that the Bill entitled "An Ordinance to authorise the borrowing of moneys from certain public authorities and corporations in Nigeria" passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

If it is the pleasure of Members, I suggest that the House might now adjourn for say ten minutes. (Aye).

His Honour the Chief Commissioner :

The House will adjourn for ten minutes.

The House adjourned at 11 a.m.

The House resumed at 11.30 a.m.

THE EVIDENCE (BRITISH AND FOREIGN DOCUMENTS)
(REPEAL) ORDINANCE, 1951

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled ‘An Ordinance to Repeal the Evidence (British and Foreign Documents) Ordinance,’ is acceptable in principle to this House.”

Your Honour, this is one of the very smallest of Bills and all it does is to strike out of the statute book the Evidence of British and Foreign documents Ordinance of 1934, the reason being that in the ordinary Evidence Ordinance provision is made in exactly the same terms as this Ordinance. This is part of the programme being started to tidy up the Statute Book.

The Resident, Rivers Province :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say “Aye” and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-2.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to report that the Bill for “An Ordinance to repeal the Evidence (British and Foreign Documents) Ordinance” passed through Committee without amendment.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Will those in favour say “Aye” and those to the contrary “No.”

The “Ayes” have it.

THE NIGERIA LOCAL LOAN ORDINANCE, 1951

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the
“Governor that the Bill entitled ‘An Ordinance to authorise
“the raising in Nigeria of a loan not exceeding twenty
“million pounds for purposes in connection with the
“Development and General Welfare of Nigeria, and for
“such other purposes as may from time to time be approved,’
“is acceptable in principle to this House.”

Sir, the purpose of this Bill is to provide statutory authority for raising locally an adequate proportion of the funds necessary to meet Government's programme of loan expenditure up to April, 1956, which comprises among other items : The Ten Year Plan of Development and Welfare (excluding expenditure to be financed out of revenue) £11 million, the Redemption of the 1955 loan £3 million, capital of Colliery £250,000, the Apapa Wharf Extension £3 million, and other items which I do not think, unless Members wish me to deal with them all, I need read out in detail.

Although the first ten of these items represent expenditure to which Government is already committed, some of which has already been incurred out of advances, and the remaining four are likely to materialise in the near future, the list of approved subjects on which monies may be raised, detailed in the Schedule to the Bill, has purposely been made as wide as possible to allow of flexibility. In addition, section 3 of the Bill provides that monies raised may be spent “on any other purposes in connection with the development and general welfare of Nigeria, as the Governor may, with the approval of Legislative Council and the sanction of the Secretary of State, from time to time approve,” thus providing for any additional schemes which the future may show to be in the interest of the territory.

The total of borrowing envisaged during the next five years is limited not so much by the needs of the country, nor yet by the ceiling of borrowing which it is considered appropriate to a territory with an annual revenue of £30,000,000, as by the resources available for investment, both in Nigeria and abroad. Hitherto the part played by local borrowing in the financing of development has been small. Yet, as the Development Plan gathers momentum, the amount of money required for the goods and services to carry it out increases, and this process is accentuated by the fact that the value of money in terms of goods and services has fallen. The additional strain imposed on the United Kingdom by the rearmament programme has restricted access to the London money market, and this difficulty is likely to persist unless there is an unforeseen improvement in the world situation. It is thus all the more desirable to mobilise local capital to the greatest extent practicable.

It will be recalled that in 1946 a local loan was raised by public subscription in Nigeria to the amount of £300,000 under the Nigeria

(Ten Year Plan) Local Loan Ordinance. The total of applications for this loan amounted to £815,660. Although by far the greater part of that issue was subscribed by Native Administrations and other bodies corporate and only a small part by individuals, there is now a much greater amount of "free" money in the hands of individuals in Nigeria. In this connection it is worth noting that the circulation of West African currency in Nigeria has nearly doubled from £22,898,212 in 1946 to £39,240,111 in 1951. It is considered that Nigerians would welcome an opportunity to invest in a new Nigerian Government loan whose purpose is the betterment of the country. A local loan would have the added advantages of helping to curb inflation at a time when inflation is a very real threat to Nigeria's economic security and of promoting that sense of communal responsibility which is essential for true political progress.

It is not of course suggested that anything approaching £20,000,000 is likely to be subscribed by individual leaders, even though circumstances may render desirable the flotation of a succession of smaller loans. The Nigeria Cocoa Marketing Board has already lent Government £2,700,000 at 2½ per cent interest per annum, repayable in eighty equated half-yearly instalments, and this Board and the other Produce Marketing Boards have intimated that they are likely to be prepared to invest a further £9,300,000 of their reserves in the Government's loan programme. The figure of £20,000,000 has therefore been adopted in the draft Bill to allow of the Boards investing £9,300,000 or a larger sum, should they so wish, not by a direct loan as in the case of the £2,700,000 but by taking up the major part of a local public issue.

It should be emphasised that, quite apart from the general considerations mentioned above, it is essential to the financing of major developmental works that the fullest use be made of local resources. In the first place, it is not possible to continue to finance even a small part of the loan programme out of surplus balances of revenue over expenditure, even though at first sight these balances might appear large. On the 31st of October, 1950 (the latest date for which exact figures are available) the General Revenue balance stood at £12,981,382, at which date advances pending the raising of loans stood at £3,543,343. The final out-turn of the financial year 1950-51 is not yet known, although there is likely to be a further accretion to this cash balance. In view, however, of the as yet unknown final cost of forthcoming constitutional developments and of the need to build up autonomous Regional reserves, it will be necessary to keep whatever surplus is available as free reserve, since an available cash balance of ten or eleven million pounds is barely adequate as a reserve for a territory whose annual expenditure is on the Nigerian scale, especially having regard to the fact that this forms the reserve of the Central Government and of the Regions. It is, however, estimated that, as was announced in the Financial Secretary's budget speech, £1,000,000 will be available for the loan programme this financial year out of the

Loan Development Fund, which will be fed from current revenue. It is hoped that an additional £1,000,000 will be similarly available in 1952-53.

In the second place, there exist the difficulties with regard to raising money on the London Market which has already been referred to. It will be recalled that, as recorded in paragraph 31 of the Memorandum on Approved Estimates, 1951-52, it was Government's intention to float a loan of £6,500,000 on the London Market early this financial year on terms which it was hoped would not exceed $3\frac{1}{2}$ per cent per annum. The London Market has, however, reacted unfavourably to gilt-edged securities in general as a result of the United Kingdom budget, and it is now thought unlikely that a loan could be secured at much under 4 per cent.

The result has therefore been that to date the Crown Agents for the Colonies, who are Government's brokers in this matter, have not found a favourable opportunity for floating the proposed £6,500,000 Nigerian Government Loan and, further, in view of the existing economic and financial situation in the United Kingdom, there can be no guarantee that the remainder of this Government's loan requirements can be raised on the London Market between 1952 and 1956.

In these circumstances, and having regard to the desirability of encouraging local investors to participate in the development of their country, this Bill is commended to the House.

The Acting Deputy Director of Medical Services, Eastern Provinces :

Sir, I beg to second.

The Second Provincial Member for the Onitsha Province (Mr C. D. Onyeama) :

Sir, on a point of information, I listened very attentively to the talk on the Bill but I did not hear how much interest it was proposed to pay on this loan. I gather that the London Market would not touch it under 4 per cent. What interest is Government offering to give subscribers? I think that is a serious point, and I think it should be put in the Bill.

His Honour the Chief Commissioner :

On the point raised by the Member, I do not think that in this Bill as it stands Government would state what percentage of interest it intends to offer in an endeavour to float this loan. That seems to me to be a question which should be reserved for the financial experts of Government in due course according to the actual money market in Nigeria at the time.

The First Provincial Member for the Calabar Province (Mr Asuquo Okon) :

May we take it that the interest has already been worked out?

The Acting Secretary (Finance), Eastern Provinces :

The interest has not yet been stated. Whether it has been worked out or not I am not in a position to say.

His Honour the Chief Commissioner :

I think the Member will appreciate that before the loan itself is floated the question of the rate of interest payable on the loan will be decided by Finance Committee. I do not think it is for this House to prescribe any particular rate of interest. The Bill, as I see it, is before the House purely in order to provide authorisation for the raising of the money. The mechanics for implementing it and the amount of interest payable will be done in due course and will be reserved for Finance Committee.

The Member for Urban Areas other than Port Harcourt (Rev. O. Efiang, C.B.E.) :

I fully appreciate that the question of interest will be settled in due course, and I rise to speak on the principle of this Bill. I would say that it is overdue to introduce a Bill of this nature because it is definitely designed for the well-being, economic and otherwise of the country, and I would say that this Bill is very very commendable to this House in principle.

His Honour the Chief Commissioner :

If no other Member wishes to speak to the principle of the Bill I will put the question. The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Clauses 1-3.

Schedule.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to report that the Bill for "An Ordinance to authorise the raising in Nigeria of a loan not exceeding twenty million pounds for purposes in connection with the Development and General Welfare of Nigeria, and for such other purposes as may from time to time be approved," passed through Committee without amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE EDUCATION (AMENDMENT) ORDINANCE, 1951

The Acting Deputy Director of Education, Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled ‘An Ordinance further to amend “the Education Ordinance, 1948,’ is acceptable in principle to “this House.”

I should explain, Sir, that section 27 of the Education Ordinance enables grants-in-aid from Government funds to be made for educational purposes to Native Authorities, Local Government Councils, Local Authorities and Voluntary Agencies. Since the Lagos Town Council, which came into being as a result of the Lagos Local Government Ordinance, 1950, is not covered by the expression “Local Authority” as used in the Education Ordinance, it is not possible at present for this body to receive any grant-in-aid for educational purposes. The object of this Bill is to restore the position to what it was before the coming into operation of the Lagos Local Government Ordinance, 1950, that is to make it possible for grants-in-aid for educational purposes to be made to the Lagos Town Council as it is at present constituted.

Sir, I recommend this Bill to the House.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say “Aye” and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-2.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Deputy Director of Education, Eastern Provinces :

Sir, I beg to report that a Bill entitled “An Ordinance further to amend the Education Ordinance, 1948,” passed through Committee without amendment.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Will those in favour say “Aye” and those to the contrary “No.”

The “Ayes” have it.

THE MEDICAL PRACTITIONERS AND DENTISTS' (AMENDMENT)
ORDINANCE, 1951

The Acting Deputy Director of Medical Services, Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the Governor that a Bill for ‘An Ordinance further to amend the ‘Medical Practitioners and Dentists Ordinance,’ is acceptable ‘in principle to this House.’”

Sir, this Ordinance makes two changes in the law relating to medical practitioners. Firstly, it allows graduates at the University, Ibadan, to be registered as medical practitioners. Secondly, it allows people who are not at present recognised in Nigeria to be given temporary registration, provided they take appointment in the public service. More doctors will thus be made available for public service posts.

The Acting Deputy Director of Education, Eastern Provinces :

Sir, I beg to second.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

Sir, I rise to oppose this Bill. I hate to use the word, but it is discriminatory. It is discriminatory in this sense. Look at the Objects and Reasons. It says “This clause will permit of the temporary registration of medical practitioners whose qualifications were obtained in foreign countries.” The mere fact of a person qualifying in any foreign university should not, for purposes of registration, disqualify him from practising as a medical practitioner in Nigeria. It further says “Temporary registration will be confined to persons employed by the Government, a Native Authority, a Local Authority or a University hospital.” This is very unfair to him. It is discriminatory on the part of Government that he should be so disqualified from taking up private practice. If there are not sufficient medical practitioners in Nigeria it is not the fault of the people ; it is due to lack of foresight on the part of Government to refuse to send students overseas on scholarships. Supposing a person qualifies in Southern Ireland, which is a foreign country, it seems he cannot practice in Nigeria, and for that I think this Bill should be thrown out.

Secondly, it will allow the University College to produce two types of medical practitioners : those who are fully qualified and those who are only half-baked—that is, the failures in any medical examination may be compensated by giving them appointments under Government to practice as doctors. What would happen to the lives of the people ? How could we persuade the people to enter Government institutions to be operated on by people who have not been adjudged competent medical practitioners ? It is almost the same as saying that a person who knows Roman Law only can practise as Crown Counsel as long as he is prepared to enter Government service. The principle of the Bill is wrong. If it is considered that foreign universities are competent to

produce medical practitioners, I do not see why they should be discriminated against. After all, there is some interchange of medical students between England, America and some other countries.

I oppose the Bill, Sir.

His Honour the Chief Commissioner :

If no other Member wishes to speak to the principle of the Bill I will ask the mover to reply.

The Acting Deputy Director of Medical Services, Eastern Provinces :

The question of qualifications being registrable or not in this country has been because we have not accepted that the standards of some of these qualifications from foreign universities were such that we thought the people should be allowed to practise here. Now we mean to do so because of the shortage of doctors, but we are making the proviso that they must work under supervision in Government hospitals or other such institutions. I can see no objection to the practice in these circumstances.

With regard to Ibadan University, I am perfectly certain that there is no intention of registering people who have failed in their examinations ; it is intended only for people who have actually graduated.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

May I respectfully press for a division.

DIVISION

Ayes 13

The Acting Senior Crown Counsel, Eastern Provinces.
The Acting Deputy Director of Public Works, Eastern Provinces.
The Acting Deputy Director of Agriculture, Eastern Provinces.
The Acting Deputy Director of Education, Eastern Provinces.
The Acting Deputy Director of Medical Services, Eastern Provinces.
The Acting Secretary (Finance), Eastern Provinces.
The Acting Resident, Cameroons Province.
The Acting Resident, Calabar Province.
The Acting Resident, Ogoja Province.
The Resident, Rivers Province.
The Resident, Owerri Province.
The Secretary, Eastern Provinces.
The Chief Commissioner, Eastern Provinces.

Noes 7

The Second Provincial Member for the Calabar Province.
The Second Provincial Member for the Owerri Province.
The Member for Urban Aspect of Life in Port Harcourt.
The Second Provincial Member for the Onitsha Province.
The First Provincial Member for the Owerri Province.
The First Provincial Member for the Onitsha Province.
The Member for Urban Areas other than Port Harcourt.

The Second Provincial Member for the Cameroons Province, the First Provincial Member for the Calabar Province and the Acting Resident, Onitsha Province, abstained from voting.

His Honour the Chief Commissioner :

The result of the division is Ayes 13, Noes 7. The "Ayes" have it.

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

The House is in Committee.

The Clerk of the House :

Enactment.

Clause 1.

Clause 2.

Clause 3.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

I beg to move, Sir, that clause 3 of the Bill be deleted.

His Honour the Chief Commissioner :

The question is that clause 3 be amended by the deletion of the clause. Will those in favour say "Aye" and those to the contrary "No."

The "Noes" have it.

The question is that clause 3 stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clause 4.

Schedule.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Deputy Director of Medical Services, Eastern Provinces :

Sir, I beg to report that a Bill for "An Ordinance further to amend the Medical Practitioners and Dentists Ordinance" passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT)
ORDINANCE, 1951

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That a Bill entitled 'An Ordinance further to
" 'amend the Widows' and Orphans' Pension Ordinance,'
" is acceptable in principle to this House."

Sir, the purpose of this Bill is fully explained in the Objects and Reasons. There are two principal amendments. First, to the list of exemptions in paragraph 4 of the principal Ordinance is added an exemption from the necessity to become a contributor to the Widows' and Orphans' Pensions Scheme of medical officers who are members of the National Health Service of the United Kingdom and are employed in the Colonial Medical Service under a scheme established by the Secretary of State for the interchange of medical officers between the National Health Service of the United Kingdom and the Colonial Medical Service.

Second, two additional sections are added to the principal Ordinance which make permanent provisions for the increases made since 1945 on an annual basis to pensions granted under the Ordinance and to ratify increases made to pensioners since the 1st April, 1948, and the commencement of this Ordinance.

Sir, I commend this Bill to the House.

The Secretary, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-6.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to report that a Bill for "An Ordinance further to amend the Widows' and Orphans' Pension Ordinance" passed through Committee with no amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE GENERAL LOAN AND INSCRIBED STOCK (AMENDMENT)
ORDINANCE, 1951

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the
“Governor that the Bill entitled ‘An Ordinance to amend the
“‘General Loan and Inscribed Stock Ordinance,’ is acceptable
“in principle to this House.”

Sir, the General Loan and Inscribed Stock Ordinance (Cap. 78) lays down the terms and conditions applicable to loans authorised to be raised by the Nigerian Government and provides for the creation of inscribed stock. The Ordinance was passed in 1916 and, in relation to the issue of stock in England, it lays down that such issue shall take place under the provisions of the relative United Kingdom legislation, namely, the Colonial Stock Act of 1877.

Section 1 of the Colonial Stock Act, 1877, provided for the inscription of stock and for its transfer by an entry in the Register signed by the transferors of their attorneys. This entails attendance by the holder of the stock (or a person holding his power of attorney) at the office where the stock is inscribed and signature of the necessary entry in the register. This method of transferring stock by inscription has been found to be inconvenient and cumbersome, and the Colonial Stock Act, 1948, was therefore passed in order to provide among other things, for the substitution of the method of transferring stocks by instrument in writing for the previous method of transfer by inscription in the register of the stock. This is effected by providing that Registrars of stock may make regulations under section 16 of the Act of 1877 for the transfer of stock by instrument in writing and in no other manner, subject to the enactment of the necessary legislation by the appropriate authority in the Colony concerned.

As explained in the Objects and Reasons of the draft Bill attached to this note, it is now desired to pass the appropriate local legislation to enable Nigerian stock to be transferred by instrument in writing. As Members may be aware, it is intended at a favourable opportunity to float a loan on the London market as part of the Government's loan programme for development and welfare. It is thus desirable for this Bill to be passed before this loan is floated so that the stock to be offered need no longer be subject to transfer by inscription. The Secretary of State had also indicated that in view of the impending ending of the state of war with Germany, an event which has now taken place which will entail the transfer of a number of Colonial stocks, it is desirable that the necessary amending legislation be passed with despatch, in order that these transfers may be carried out by registration rather than by the old and cumbersome method of inscription.

The draft Bill, which has been prepared by the Honourable the Attorney-General, also embodies certain other minor amendments which are explained in the Objects and Reasons.

Sir, I commend this Bill to the House.

The Acting Resident, Cameroons Province :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clauses 1-5.

Clauses 6-10.

Schedule.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to report that a Bill entitled "An Ordinance to amend the General Loan and Inscribed Stock Ordinance" passed through Committee without amendment.

His Honour the Chief Commissioner :

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

The "Ayes" have it.

THE NATIVE AUTHORITY (MODIFICATION) ORDINANCE, 1951

The Secretary, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved : That this House do advise His Excellency the Governor that a Bill for 'An Ordinance to modify in certain respects the Native Authority Ordinance in its application to the Western Provinces, the Eastern Provinces, that portion of the Cameroons which is administered as if it formed part of the Southern Provinces and to the Colony,' is acceptable in principle to this House."

Sir, clause 2 of this Bill provides that all Native Authorities shall be bodies corporate, notwithstanding the provisions of Part V of the main Ordinance. That Part deals with the procedure for the incorporation of Native Authorities. This provision is necessitated by the fact that under existing law Native Authorities are not empowered to hold investments. Clause 2 will remove this disability.

Clause 3 of the Bill makes provision for the disposal of the immovable property of Native Authorities upon the revocation of their constitutions.

Clause 4 of the Bill extends the rule-making powers of Native Authorities to include schemes of planned rural development or settlement.

Sir, if this Bill is approved in principle I give notice that in the Committee stage I will move two minor amendments to remove any tincture of doubt with regard to clauses 2 and 3 of the Bill.

Sir, I beg to move.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clause 1.

Clause 2.

The Secretary, Eastern Provinces :

Clause 2. I beg to move the following amendment in line 7 thereof, between the words "therein" and the word "and" to *insert* the following : "and to acquire, hold, grant demise or alienate all movable or immovable property whatsoever."

I am advised, Sir, that although clause 2 of the Bill *prima facie* confers power to hold investments, it is not free from doubt and the amendment is to remove any possible doubt in this matter.

His Honour the Chief Commissioner :

The question is that clause 2 should be amended by inserting between the words "therein" and "and" the following :—

"and to acquire, hold, grant, demise or alienate all movable or immovable property whatsoever."

Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The question is that clause 2 as amended stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clause 3.

The Secretary, Eastern Provinces :

Clause 3, Sir. I beg to move the following amendment. To *insert* in line 2 after the words "of the constitution of a Native Authority" the words "under the provisions of clause 10 of the principal Ordinance."

This amendment, Sir, is to make perfectly clear the intentions of clause 3. It has to do with clause 10 of the principal Ordinance which reads :—

"The Governor may at any time revoke, suspend or vary any constitution, appointment, direction or order made by him under sections 3 to 8, and may at any time order that any person or persons appointed to be a member or members of a native authority shall cease to be such member or members, and thereupon such person or persons shall cease to be a member or members of such native authority."

It is to make it perfectly plain that this has nothing whatsoever to do with the Eastern Region Local Government Ordinance, which makes provision for taking over from a Native Authority where the case occurs.

His Honour the Chief Commissioner :

The question is that clause 3 be amended by the insertion after the word "Authority" of the words "under the provisions of clause 10 of the principal Ordinance." Those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The question is that clause 3 as amended stand part of the Bill. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Clerk of the House :

Clause 4.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Secretary, Eastern Provinces :

Sir, I beg to report that a Bill for "An Ordinance to modify in certain respects the Native Authority Ordinance in its application to the Western Provinces, the Eastern Provinces, that portion of the Cameroons which is administered as if it formed part of the Southern Provinces and to the Colony," passed through Committee with two amendments.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency the Governor that this Bill with the two amendments made

in Committee is acceptable to this House. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

THE SURVEY (AMENDMENT) ORDINANCE, 1951

The Secretary, Eastern Provinces :

Sir, I beg to move the following :—

"Be it resolved: That this House do advise His Excellency the Governor that a Bill for 'An Ordinance further to amend 'the Survey Ordinance,' is acceptable in principle to this 'House.'"

This is a very simple measure, Sir, designed to permit the Governor to restore a surveyor's licence which he may have cancelled before Ordinance No. 33 of 1945 was promulgated. On the promulgation of that Ordinance suspension or cancellation of surveyor's licence was in the bailiwick of the Supreme Court. There may have been instances before that date where a surveyor's licence had been cancelled under a previous law and it might be considered necessary in certain cases to restore the licence.

Sir, I beg to move.

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question is that this House do advise His Excellency that this Bill is acceptable in principle. Will those in favour say "Aye" and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clause 1.

Clause 2.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Secretary, Eastern Provinces :

Sir, I beg to report that a Bill for "An Ordinance further to amend the Survey Ordinance," passed through Committee without amendment.

His Honour the Chief Commissioner :

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

Ayes" have it.

THE TELEGRAPHS (AMENDMENT) ORDINANCE, 1951

The Secretary, Eastern Provinces :

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled ‘An Ordinance to amend the “Telegraphs Ordinance,” is acceptable in principle to this “House.”

Sir, the Objects and Reasons as set forth in this Bill make it unnecessary for me to comment further : it enables private intercommunication telephone sets to be installed without the need of a licence.

Sir, I beg to move.

The Acting Deputy Director of Public Works, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable to this House in principle. Will those in favour say “Aye” and 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 House is in Committee.

The Clerk of the House :

Enactment.

Clause 1.

Clause 2.

Title.

His Honour the Chief Commissioner :

The House will now resume.

The Secretary, Eastern Provinces :

Sir, I beg to report that a Bill entitled “An Ordinance to amend the Telegraphs Ordinance,” passed through Committee without amendment.

His Honour the Chief Commissioner :

The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable to this House. Will those in favour say “Aye” and those to the contrary “No.”

The “Ayes” have it.

THE WEST AFRICAN INSTITUTE FOR OIL PALM RESEARCH
ORDINANCE, 1951**The Acting Deputy Director of Agriculture, Eastern Provinces :**

Sir, I beg to move the following :—

“Be it resolved : That this House do advise His Excellency the Governor that a Bill entitled ‘An Ordinance for the Establish-

“ ‘ment of an Institute to undertake Research into matters
“ ‘relating to the Oil Palm for the incorporation of a Committee
“ ‘to manage the Institute and for other purposes connected
“ ‘therewith,’ is acceptable in principle.”

At present, Sir, the Oil Palm Research Station at Benin, together with its sub-station at Abak, is a branch of the Agricultural Department of Nigeria. The main station at Benin was established towards the end of 1938 and, in spite of delays and set-backs due to the war and shortage of staff, the work of the station has expanded to a very great extent. It is the leading station for research on the oil palm in the Colonial Empire. As an example of the work of the station based on scientific research, I may say that nearly a million seeds of improved types of palms have been produced this year ; two thirds of these are allocated to this Region to produce seedlings for the Production Development Board and farmers.

It was always considered essential that a sub-station should be established in the main palm belt of the Eastern Provinces. Land has now been leased at Abak for a sub-station and is being developed as fast as possible. I wish to take this opportunity of thanking the people of Abak, a thickly populated neighbourhood, for their co-operation in leasing land to the station for this purpose.

It is now considered desirable to establish the Oil Palm Research Station on a West African basis. This Bill gives the West African Institute for Oil Palm Research, as it will be called, a considerable measure of autonomy, but it will need substantial endowment from the funds of the Oil Palm Produce Marketing Board. The Oil Palm Research Station has in fact for the past three years been wholly financed by a grant from the Nigerian Oil Palm Produce Marketing Board. Further financial support will be necessary and, as its findings would be made available to the other West African territories, they have been asked to participate in the endowment through their own Marketing Boards. This they have agreed to do and the Bill to establish the Institute is, as a result, brought before this House.

Sir, the Bill is based closely on the West African Institute for Trypanosomiasis Research Ordinance, 1950 (No. 36 of 1950), which itself was modelled fairly closely on the West African Cocoa Research Institute Ordinance (Gold Coast Ordinance No. 1 of 1947). In addition, Ordinances relating to the Tea and Rubber Research Institutes of Ceylon and the Rubber Research Institute of Malaya were consulted. The Bill, moreover, has been drafted in close consultation with the Governments of the other West African territories, through the office of the West African Inter-Territorial Secretariat at Accra. Thus, there is a great deal of precedent for Ordinances setting up institutions of this nature ; it is a method of ensuring continuity of research by isolating it from politics and by forming a buffer against fluctuating finances.

Part I of the Ordinance provides for the establishment of the Institute and the Managing Committee.

Part II describes the powers, duties and procedure of the Committee. In section 8 the first duty of the Committee is to review the programme of research and to approve it.

Part III deals with financial routine and Part IV deals with miscellaneous matters.

So much, Sir, for the bare bones of the legislation. May I add a personal note by saying that I am very pleased to have had the honour of introducing this Bill to the House. I was associated with the selection of the site of the original Oil Palm Research Station and assisted the present Director, Mr Toovey, to plant the first oil palms. I am therefore particularly glad to have seen this infant grown to full West African stature within the space of thirteen strenuous years.

Sir, I beg to move.

The Acting Secretary (Finance), Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the principle of the Bill I will put the question. The question before the House is that this House do advise His Excellency the Governor that this Bill is acceptable in principle to this House. Will those in favour say "Aye" and 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 House is in Committee.

The Secretary, Eastern Provinces :

May I tentatively suggest, if you are in agreement, that we take it Part by Part.

His Honour the Chief Commissioner :

Is it the pleasure of Members that we take this Bill in Committee stage Part by Part? (Aye).

The Clerk of the House :

Enactment.

Clause 1.

Part I : Clauses 2-6.

Part II : Clauses 7-11.

The First Provincial Member for the Onitsha Province (Mr P. E. Chukwurah) :

On point of information, Sir. Regarding Part II, clause 7 (3) (a). May I know why special reference is made to European officers. "The Committee at any time, with the approval of the Governor, may require to contribute to the scheme established by the Widows' and Orphans' Pensions Ordinance any servant of the Institute or of the Committee,

UNOFFICIAL MEMBERS

- The Member for Urban Areas other than Port Harcourt,
Rev. O. Efiang, C.B.E.
- The First Provincial Member for the Onitsha Province,
Mr P. E. Chukwurah.
- The First Provincial Member for the Owerri Province,
Mr M. W. Ubani.
- The First Provincial Member for the Calabar Province,
Mr Asuquo Okon.
- The Second Provincial Member for the Cameroons Province,
Galega, Fon of Bali.
- The Member for Urban Aspect of Life in Port Harcourt,
Mr G. C. Nonyelu.
- The Second Provincial Member for the Owerri Province,
Mr D. N. Achara.
- The Second Provincial Member for the Calabar Province,
Mr Nyong Essien.

ABSENT

UNOFFICIAL MEMBERS

- The First Provincial Member for the Cameroons Province,
Mr J. Manga Williams, O.B.E.
- The Member for Professional, Salaried and Wage-earning
Classes,
Mr L. N. Mbanefo.
- The Member for African Commercial Interests,
Mr G. H. H. O'Dwyer, O.B.E.
- The Provincial Member for the Ogoja Province,
Sir Francis Ibiam, K.B.E.
- The Second Provincial Member for the Onitsha Province,
Mr C. D. Onyeama.
- The Provincial Member for the Owerri (Rivers) Province,
Mr H. Buowari Brown, O.B.E.
- The Member for Educational Interests,
Mr A. Ikoku, O.B.E.

Prayers

The President opened the proceedings of the House with Prayers.

Confirmation of Minutes**His Honour the Chief Commissioner :**

The minutes of the last meeting having been printed and circulated to Members, is it your wish that they should be confirmed? (Aye).

Papers Laid**The Resident, Owerri Province :**

Sir, I beg to lay on the table the report of the Select Committee of the House appointed to examine the Memorandum on Negotiating Machinery for Teachers' Salaries.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

Sir, I beg to lay on the table the report of the Select Committee of the House appointed to report on the petition dated 28th June, 1951, addressed to the House by Mr A. K. Nwankwo.

Motions

The Resident, Owerri Province :

Sir, I beg to move the following :—

“Be it resolved : That this House adopt the report of the ‘Select
“Committee of the House appointed to examine the
“Memorandum on Negotiating Machinery for Teachers’
“Salaries,’ which Report has been laid on the table of the
“House.”

In this matter it will be seen from the report that the Select Committee fully agreed that the negotiating machinery should be created and that it should take the form suggested in the Memorandum.

In particular, the Select Committee was emphatic in the view that Government should be represented on the Authorities’ Panel, the reason being that Government has a very wide responsibility in the whole field of education and is itself an employer and should therefore have a place on the Employers’ Panel. The Select Committee did not wish to commit itself to any suggestion as to how many Government representatives should be on that Panel.

The Acting Deputy Director of Education, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the motion I will put the question. The question is that the motion be adopted. Will those in favour say “Aye” and those to the contrary “No.”

The “Ayes” have it.

The Member for Urban Aspect of Life in Port Harcourt (Mr G. C. Nonyelu) :

Sir, I beg to move the following :—

“Be it resolved : That this House adopt the report of the ‘Select
“Committee of the House appointed to report on the
“petition dated the 28th June, 1951,’ addressed to the House
“by Mr A. K. Nwankwo.”

The Committee met and went through Mr Nwankwo’s personal file, and two important points were brought to the notice of the Committee. The first was that this employee should have been dismissed about eight years ago because of his bad record. The Committee wish it to be brought to the attention of Native Authorities and other authorities that persons who prove themselves inefficient should not be allowed to control public funds. This is against public interest, and in the opinion of the Committee is a mistaken kindness. However, in view of certain

minutes by a District Officer, the Committee noted that whilst this employee had been dismissed the Awka Native Authority is prepared to give him a gratuity, and the Committee concurs with this view.

Sir, I beg to move.

The Acting Senior Crown Counsel, Eastern Provinces :

Sir, I beg to second.

His Honour the Chief Commissioner :

If no Member wishes to speak to the motion I will put the question. The question is that the motion be adopted. Will those in favour say "Aye" and those to the contrary "No."

The "Ayes" have it.

The Secretary, Eastern Provinces :

Sir, as the business of the House is now over, it is proposed that the Regional Conference should sit directly after the House rises. I have asked all the Members who are not members of the House to be here at 10 o'clock in case business took longer than it actually has. At most we should have a wait of about quarter of an hour, but I will get messages out to bring in the other Members as soon as possible.

The Member for Urban Areas other than Port Harcourt (Rev. O. Efiang, C.B.E.) :

Your Honour, that is acceptable to us.

The First Provincial Member for the Owerri Province (Mr M. W. Ubani) :

Your Honour, I think I shall be expressing the opinion of the Unofficial Members of the House if, before the House adjourns, I express our thanks for and appreciation of the honour conferred on Mr Eronini, the Clerk of the House, on the opening day of the meeting. I can think of no recipient better deserving of the honour.

Mr Eronini has been the Clerk of this House almost right from the beginning of the Constitution which is now passing away. During this period he has carried out his onerous duties with cheer and without complaint and, as the Leader of this House said at one time, to our entire satisfaction. He is a friend to all.

It is certainly not easy to be the Clerk of the House in the East where politics are rife. It requires a man with tact and a cool head to be able to ensure that there exists that friendly relation which is essential between the Official side of the House and the Unofficial side. I know of one or two instances where Mr Eronini has exhibited this tact. A servant of his type is worthy of praise in letters of gold.

I know that if any of the present Unofficial Members returned to this House under the new Constitution they would be sorry if they did not find him here. I am saying this, Sir, not for saying's sake, but that it may be recorded, not merely as a debate in the House on which no action is sometimes taken, but as an opinion specially expressed for record and action.

In conclusion, I congratulate Your Honour on your leadership, and wish all Official and Unofficial Members of this House Godspeed until it pleases God for us to meet some time somewhere again.

The Secretary, Eastern Provinces :

Sir, I know that this has not appeared on the Order Paper of the Day, but if I may have your permission I would like, on behalf of the Official Members, to identify myself with what the last speaker has said and express our appreciation of the honour conferred on the Clerk of the House.

His Honour the Chief Commissioner :

Gentlemen, as you are all aware, I think, the House remains in being until some future date as yet undetermined, because there can be no question of dissolving this House yet awhile otherwise Legislative Council would automatically dissolve at the same time as there would be no Members of this House to sit at the next meeting of Legislative Council. I shall therefore adjourn this House to an unnamed date in the future.

The House stand adjourned *sine die*.

Adjournment

The House adjourned at 9.45 a.m. sine die.

