

Debates in the Eastern House of Assembly

Thursday, 14th of July, 1949

Pursuant to notice the Members of the Eastern House of
Assembly met in the Garrison Hall, Enugu, at 10 a.m.
on Thursday, the 14th of July, 1949.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Eastern Provinces,
Commander J. G. Pyke-Nott, C.M.G., R.N.
- The Resident, Ogoja Province,
Mr P. M. Riley.
- The Secretary, Eastern Provinces,
Commander S. E. Johnson, R.N.
- The Resident, Onitsha Province,
Mr V. K. Johnson.
- The Resident, Calabar Province,
Mr C. J. Mayne.
- The Resident, Rivers Province,
Mr L. T. Chubb.
- The Secretary (Finance), Eastern Provinces,
Mr G. B. G. Chapman.
- The Acting Resident, Cameroons Province,
Mr J. G. Mackenzie.
- The Deputy Director of Medical Services, Eastern
Provinces,
Dr C. Wilson.
- The Deputy Director of Agriculture, Eastern Provinces,
Mr M. Park.
- The Deputy Director of Public Works, Eastern Provinces,
Mr E. Wall, M.C.
- The Acting Senior Crown Counsel, Eastern Provinces,
Mr F. E. Field.
- The Senior District Officer,
Mr S. P. L. Beaumont, (Extraordinary Member).
- The Crown Counsel,
Mr G. G. Briggs, (Extraordinary Member).

UNOFFICIAL MEMBERS

- The Member for Urban Areas other than Port Harcourt,
Reverend O. Efiang, O.B.E.
- 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 E. N. Egbuna.
- The Member for African Commercial Interests,
Mr G. H. H. O'Dwyer.
- 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 Provincial Member for the Ogoja Province,
Dr F. A. Ibiam, O.B.E.
- 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 Second Provincial Member for the Owerri Province,
Mr D. N. Achara.
- The Member for Educational Interests,
Mr A. Ikoku, O.B.E.
- The Second Provincial Member for the Calabar Province,
Mr Nyong Essien.

ABSENT

OFFICIAL MEMBERS

- The Resident, Owerri Province,
Mr J. S. Smith.
- The Deputy Director of Education, Eastern Provinces,
Mr C. T. Quinn-Young.

UNOFFICIAL MEMBERS

- The Provincial Member for the Owerri (Rivers) Province,
Mr H. Bowari Brown, O.B.E.

PRAYERS

At the request of the President, Reverend O. Efiang, O.B.E., the Member for Urban Areas other than Port Harcourt, opened the proceedings of the House with prayers.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 20th of December, 1948, having been printed and circulated to the Members were taken as read and confirmed.

ADMINISTRATION OF OATHS

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

Mr L. T. Chubb, Resident, Rivers Province; Mr F. E. Field, Acting Senior Crown Counsel, Eastern Provinces; Mr S. P. L. Beaumont, Senior District Officer, (Extraordinary Member); Mr G. G. Briggs, Crown Counsel, (Extraordinary Member).

ANNOUNCEMENTS

The Secretary, Eastern Provinces:

Gentlemen, it is proposed that the meeting of the Committee set up to draft specimen rules for the control of the alienation of lands to strangers would be held on Monday the 18th of July, 1949, at a time to be given later in this meeting.

SPEECH BY HIS HONOUR THE CHIEF COMMISSIONER,
EASTERN PROVINCES

GENTLEMEN,

It was on the 13th December last year that I had the privilege of addressing this House for the first time. Only seven months have elapsed since then, but I think it can be claimed with justification that in this short time quite a lot of progress has been achieved, particularly in the way of political development.

During this last seven months I have been favoured with the opportunity of visiting each of the Provinces of the Eastern Region and most of their divisional headquarters. It has enabled me to obtain some knowledge of the problems with which we are all faced, but more important still, it has provided me with the chance of meeting the people and, I trust, of gaining their confidence.

Everywhere I have been impressed by the ardent and imperative desire that exists for political and constructive progress. This is not the only thing that has impressed me, but I mention it specially because I share that desire and it will be my constant endeavour to assist in such progress by every means at my command.

I have also been immensely impressed by the spirit of co-operation, by the zest for education, by the relish of hard work, by the good humour and by the spontaneous friendliness which abounds. If I may say so, these are, I think, some of the underlying characteristics of the people of the Eastern Region, and as such the future of the Region must be assured,

The main purpose of this meeting of the House of Assembly is to debate the memorandum on local government policy which is now in the hands of all members. The memorandum, if accepted, and as amended in debate, will then be submitted to His Excellency for approval by Government. Thereafter, it will form the basis from which the local government Ordinance will be drafted.

Members will recollect that at the last meeting of the House I stressed the imperative necessity of being very certain of the public view before committing the Region to sweeping changes in local government organisation. I also stated that it was my earnest wish that reforms based on the report of the Select Committee should not be unnecessarily delayed.

Public opinion has now, in my opinion, been fully tested. It has also been given ample opportunity for expression at the provincial meetings which were convened to meet and discuss the reforms with the unofficial members of this House. The outcome of those meetings has shown that the enactment of legislation to enable the reforms to be introduced has generally been welcomed and the principles accepted.

There is, consequently, no need to apply a brake to this particular wheel of progress, and I therefore decided that this special meeting of the House arranged for July should not be postponed. It will, however, be necessary to hold another meeting towards the end of October to deal with legislation that will be placed before the Legislative Council in November. If this debate on the Memorandum on Local Government Policy had been held over for that meeting, then there would have been little chance of the local government Ordinance becoming law before 1951.

As things are, it may yet be possible to lay the draft local government legislation before this House at the Budget Session in next December, as it is hoped that the drafting of the Bill and the obtaining of the necessary approval may not take longer than some three months. That being so, the Bill could be placed before the Budget Session of Legislative Council next March and the programme originally intended will thus be maintained.

Even this programme will afford plenty of opportunity for further public consideration of the details and principles of the reforms that it is intended to introduce. The Memorandum which is about to be debated will be printed and given the widest possible circulation; after the approval of Government has been obtained. Likewise, the draft Bill will also be published and given the widest possible circulation. All of this will enable criticism or objection to be formulated and expressed when the Bill itself is debated in this House in December.

There are only two specific features of the contemplated local government reforms to which I need invite attention. The first is the safeguard in the Ordinance which will provide that local government reforms can only be introduced in an area after due enquiry and consultation has been held with the people concerned. The second is that there is nothing to preclude women from taking their full share in local government affairs.

Before passing on from this subject, I should like to pay a high tribute to the unofficial members of this House and those of the official members who have played a part in this advance towards responsible and enlightened local government. It is by your work and your persistence that this vital step in progress is being made possible.

The other business before this Meeting of the House consists of four minor Bills, which I do not think will occupy a great deal of time, and the ratification of the appointment of the members of the Regional Production Development and Regional Development Boards.

As members are aware, the Regional Production Development Board is extremely important to the Region. It will have very considerable funds at its disposal, and will be able to exercise the greatest influence in the economic development of the Region.

It is clear, I think, that the time has come for the appointment of an officer of the Secretariat to co-ordinate all development in the Region and to fill the office of chairman of the two development boards. It is my intention, therefore, that the Secretary (Finance) should approach the Finance Committee with a view to obtaining sanction for the creation of the post of Regional Development Secretary.

When the meeting of this House closes, the Regional Conference will be meeting to prepare recommendations for the revision of the Constitution. I am certain that the deliberations will be pursued in a spirit of cordial co-operation and with the set purpose of bringing all the wisdom possible to bear on the many issues involved.

Gentlemen, the result of these deliberations will have immense bearing on the future welfare of the Region and Nigeria. It is unnecessary, I think, for me to remind you that unity begets strength.

PAPERS LAID

The Secretary, Eastern Provinces:

Sir, I beg to lay the following papers on the table:—

Ordinances and Subsidiary legislation enacted or made since the last meeting of the House which are in terms applicable to the region.

Memorandum on Local Government Policy in the Eastern Provinces.

A Bill for an Ordinance to make provision as to the application and modification of Written Laws in relation to Mandates of the League of Nations and the Trusteeship System of the United Nations.

A Bill for an Ordinance further to amend the Nigeria Cocoa Marketing Board Ordinance, 1947.

A Bill for an Ordinance to amend the Excise Ordinance, 1941.

A Bill for an Ordinance to amend the Native Courts Ordinance, 1948.

The Secretary (Finance), Eastern Provinces:

Sir, I beg to lay on the table the following papers:—

Report of the Standing Committee on Finance for the period December, 1948, to July, 1949.

His Honour the Chief Commissioner:

The question is "That the report of the Standing Committee on Finance be adopted". Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

QUESTIONS

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

1. To ask the Secretary, Eastern Provinces:—

(a) The composition of the Committee that considered the award of Government Bursary to the University College, Ibadan in the month of March, 1949?

(b) The number of recipients from the Eastern, Northern and Western Regions of the Government Bursary to the University College, Ibadan?

(c) The number of students from each of these Regions who, as a result of the findings of the Committee, have been discontinued from the receipt of the Government Bursary?

Answer—

The Secretary, Eastern Provinces:

(a) The Committee in question was the Central Public Service Board. Its composition in March, 1949, when considering awards of Bursaries to the University College, Ibadan, was:—

Chairman:

The Civil Service Commissioner

Members:

The Honourable the Director of Education

Mallam T. A. Morrow, Northern Region

Mr E. U. Eronini, Eastern Region

Mr N. D. Oyerinde, O.B.E., Western Region
 Mr A. B. Oyediran, Colony
 Mrs R. A. Doherty, Co-opted
 Mr C. J. Potter, Lecturer, University College, Ibadan,
 Co-opted.

(b) No records are kept showing from which regions the successful candidates came as the Buseries are awarded on a Nigerian basis. The information the Member seeks is, however, being obtained and will be communicated to him in due course.

(c) None, Sir.

MOTIONS

The Secretary, Eastern Provinces:

Sir, I crave the indulgence of this House when I make a proposal that the motion appearing in my name should be deferred until tomorrow at this meeting.

His Honour the Chief Commissioner:

The question is that Motion 10 on the Order Paper be deferred until tomorrow. Will those in favour say "Aye" and those to the contrary, "No"?

The "Ayes" have it.

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

Sir, I beg to move the following:—

Be it resolved:

"That this House do hereby ratify the nomination
 " of Messrs G. H. H. O'Dwyer, E. U. Eronini,
 " L. N. Mbanefo and J. N. Nwachuku to be members
 " of the Oil Palm Produce Representative Committee in
 " accordance with sub-section (e) of section 30 of the
 " Nigeria Oil Palm Produce Marketing Ordinance (No.
 " 12 of 1949)."

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

Sir, I beg to second.

His Honour the Chief Commissioner:

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

The "Ayes" have it.

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

Sir, I beg to move the following:—

Be it resolved:

"That this House do hereby ratify the nomination of
 " Reverend O. Efiang, O.B.E., Messrs P. E. Chukwurah,

“ D. N. Achara and Galega, Fon of Bali, to be members
 “ of the Eastern Regional Production Development
 “ Board in accordance with sub-section (c) of section 39
 “ of the Nigeria Oil Palm Produce Marketing Ordinance
 “ (No. 12 of 1949).”

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

Sir, I beg to second.

His Honour the Chief Commissioner:

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

The “ Ayes ” have it.

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

Sir, I beg to move the following:—

Be it resolved:

“ That this House do hereby appoint Messrs G. H. H.
 “ O’Dwyer and M. W. Ubani to be additional members
 “ of the Eastern Regional Production Development
 “ Board in accordance with sub-section (c) of section 39
 “ of the Nigeria Oil Palm Produce Marketing Ordinance
 “ (No. 12 of 1949).”

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Sir, I beg to second.

His Honour the Chief Commissioner:

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

The “ Ayes ” have it.

BILLS

A BILL FOR AN ORDINANCE FURTHER TO AMEND THE NIGERIA
 COCOA MARKETING BOARD ORDINANCE, 1947

The Secretary (Finance), Eastern Provinces:

Sir, I beg to move the following:—

Be it resolved:

“ That this House do advise His Excellency the Governor
 that ‘ An Ordinance further to amend the Nigeria
 Cocoa Marketing Board Ordinance, 1947 ’ is acceptable
 in principle.”

This Bill, Sir, consists of two small amendments to the Cocoa Marketing Board Bill, and provides in the first place that the

specific sections of the Income Tax Ordinance dealing with the payment of Income Tax shall apply, but not, as previously, all the provisions of the Income Tax Ordinance, and secondly the original Ordinance provided that the Board could borrow money, but it made no provision for lending money. It is now proposed that the Board may lawfully make loans to Government, subject to the approval of the Legislative Council by Resolution.

The Deputy Director of Agriculture, Eastern Provinces:

Sir, I beg to second.

His Honour the Chief Commissioner:

Does any Member wish to address the House?

The question is that this House do advise His Excellency the Governor that a Bill entitled "An Ordinance further to amend the Nigeria Cocoa Marketing Board Ordinance, 1947" is acceptable in principle. Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

House in Committee.

Title.

Clause 1.

Clause 2.

Clause 3.

House resumed.

The Secretary (Finance), Eastern Provinces:

Sir, I beg to report that the Bill for an Ordinance further to amend the Nigeria Cocoa Marketing Board Ordinance, 1947, passed through Committee with no amendment.

His Honour the Chief Commissioner:

The question is that this House do advise His Excellency the Governor that the Bill entitled "An Ordinance further to amend the Nigeria Cocoa Marketing Board Ordinance, 1947" is acceptable to this House. Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE EXCISE ORDINANCE, 1941

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 the Bill entitled 'An Ordinance to amend the Excise Ordinance, 1941' is acceptable in principle".

It is a short amendment to section 13 of the Excise Ordinance of 1941 and is of purely formal character. As Members

will know, prior to the 1946 Constitution, the Governor, with the advice and consent of Legislative Council, made laws for the Colony and the Southern Provinces, and the Governor alone made laws for the Northern Provinces. In the 1946 Constitution the Governor, with the advice of Legislative Council, makes laws for the whole of Nigeria. Hence the words which it is intended to delete are no longer necessary in the Ordinance.

The Resident, Rivers Province:

Sir, I beg to second.

His Honour the Chief Commissioner:

Does any Member wish to address the House?

The question is that this House do advise His Excellency the Governor that a Bill entitled "An Ordinance to amend the Excise Ordinance, 1941" is acceptable in principle. Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

House in Committee.

Title.

Clause 1.

Clause 2.

House resumed.

The Acting Senior Crown Counsel, Eastern Provinces:

Sir, I beg to report that the Bill for "An Ordinance to amend the Excise Ordinance, 1941", passed through Committee without amendment.

His Honour the Chief Commissioner:

The question is that this House do advise His Excellency the Governor that the Bill entitled "An Ordinance to amend the Excise Ordinance, 1941" is acceptable. Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

A BILL FOR AN ORDINANCE TO AMEND THE NATIVE COURTS
ORDINANCE, 1948

The Secretary, 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 Native Courts Ordinance, 1948' is acceptable in principle."

This, Sir, is a very simple matter and contains but two unexceptionable and very necessary amendments. The first is a matter of punctuation and seeks to delete under section 5 (1) of the Native Courts Ordinance, 1948, the comma appearing after the word "homicide" in the second line and after the

word " offence " in the third line, and the insertion of a comma after the words " Native Court " in the second line.

The second amendment seeks to delete the expression " an order made by a Judge under paragraph A " appearing in sub-section 4 of section 5. As it stood, Sir, this referred to an appeal against acquittal of a convicted person. Obviously that is an error, and the amendment seeks to substitute the expression " an order for re-trial made by a Judge under " I commend this Bill to the House.

The Resident, Ogoja Province:

Sir, I beg to second.

His Honour the Chief Commissioner:

Does any Member wish to address the House?

The question is that this House do advise His Excellency the Governor that a Bill entitled " An Ordinance to amend the Native Courts Ordinance, 1948 " is acceptable in principle. Will those in favour say " Aye " and those to the contrary, " No ".

The " Ayes " have it.

House resolves into Committee.

The House is in Committee.

Title.

Clause 1.

Clause 2.

House resumed.

The Secretary, Eastern Provinces:

Sir, I beg to report that the Bill entitled " An Ordinance to amend the Native Courts Ordinance, 1948 " passed through Committee with no amendment.

His Honour the Chief Commissioner:

The question is that this House do advise His Excellency the Governor that the Bill entitled " An Ordinance to amend the Native Courts Ordinance, 1948 " is acceptable to this House. Will those in favour say " Aye " and those to the contrary, " No ".

The " Ayes " have it.

A BILL FOR AN ORDINANCE TO MAKE PROVISION AS TO THE APPLICATION AND MODIFICATION OF WRITTEN LAWS IN RELATION TO MANDATES OF THE LEAGUE OF NATIONS AND THE TRUSTEESHIP SYSTEM OF THE UNITED NATIONS

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 the Bill for ' An Ordinance to make provision as to the application and modification of Written Laws in relation to Mandates of the League of Nations and the Trusteeship System of the United Nations ' is acceptable in principle."

Members will, no doubt, have studied the objects and reasons and will have gathered why it is necessary for a Bill of this kind to be introduced.

With the termination of the League of Nations and the creation of the United Nations Organization, certain territories formerly administered by the United Kingdom under Mandate from the League are now administered under trust in accordance with the Charter of the United Nations. The Cameroons under British Mandate is one of such territories. It is necessary to replace that expression by the expression " Cameroons under United Kingdom Trusteeship ". Clause 2 (a) of the Bill is intended to effect this by the necessary amendment to the Interpretation Ordinance. At the same time it is necessary to redefine the expression " British possession " to include a trust territory and to define the expression " Mandated Territory " and " Trust Territory " accordingly in the Interpretation Ordinance. Clause 2 (b), (c) and (d) is intended to give effect thereto. Clause 3 of the Bill seeks to insert the new expression and definition " Cameroons under United Kingdom Trusteeship " for the old expression " Cameroons under British Mandate " wherever it occurs in any of the written laws of Nigeria.

Reference will be found in other of the written laws of Nigeria to mandated territories or other similar expressions and with the termination of the mandate or the change of status from mandated to trust territory the purposes of certain of the provisions of our legislation would cease to have effect unless the mandate for the purposes of that written law were deemed not to have come to an end or unless the reference to mandate were deemed to include a reference to trust territory. Hence clause 4 of the Bill is intended to provide that such references shall continue to apply to mandated territories which have not become trust territories and to apply to mandated territories which now become trust territories.

An example of the type of harm this clause is intended to avoid will be found in the various Pensions Ordinances. Generally, an officer transferred from one territory to another has his total pensionable emoluments calculated on the aggregate length of service in every Colony. If however provisions such as are intended in clause 4 of the Bill were not enacted, an officer on transfer from say Palestine after the mandate ended or from Tanganyika after it became trust territory would not be entitled to have the period of his service in Palestine or Tanganyika as the case may be counted towards his final pensionable emoluments, and this would deprive him of his former rights and defeat the purpose of the

particular provision of the Ordinance. I commend this Bill to the House.

The Acting Resident, Cameroons Province:

Sir, I beg to second.

His Honour the Chief Commissioner:

Does any Member wish to address the House?

The question is that this House do advise His Excellency the Governor that a Bill for "An Ordinance to make provision as to the application and modification of written laws in relation to mandates of the League of Nations and the Trusteeship System of the United Nations" is acceptable in principle. Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

House in Committee.

Title.

Clause 1.

Clause 2.

Clause 3.

Clause 4.

House resumed.

The Acting Senior Crown Counsel, Eastern Provinces:

Sir, I beg to report that the Bill for "An Ordinance to make provision as to the application and modification of written laws in relation to mandates of the League of Nations and the Trusteeship System of the United Nations" passed through Committee without amendment.

His Honour the Chief Commissioner:

The question is that this House do advise His Excellency the Governor that the Bill for "An Ordinance to make provision as to the application and modification of written laws in relation to mandates of the League of Nations and the Trusteeship System of the United Nations" is acceptable to this House. Will those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

His Honour the Chief Commissioner:

If it is the pleasure of Members, I propose that the House should now adjourn until 10 o'clock tomorrow morning, the object being to give Members as much chance as possible to study the Memorandum on Local Government Reform which is in their hands. As Members will have observed, it will be before the House tomorrow in the form of a Motion. It is intended that in that form Members should be given an opportunity of speaking first on the

principles of the memorandum. After all Members who wish to have spoken of the principles, then I will resolve the House into Committee to consider the memorandum paragraph by paragraph. I think it may be possible for us to take three paragraphs at a time.

If it is now your wish, gentlemen, we will now adjourn until 10 o'clock tomorrow morning.

ADJOURNMENT

The House adjourns at 10.45 a.m.

Debates in the Eastern House of Assembly

Friday, 15th of July, 1949

Pursuant to notice the Members of the Eastern House of
Assembly met in the Garrison Hall, Enugu, at
10 a.m. on Friday, the 15th of July, 1949.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Eastern Provinces,
Commander J. G. Pyke-Nott, C.M.G., R.N.
- The Resident, Ogoja Province,
Mr P. M. Riley.
- The Secretary, Eastern Provinces,
Commander S. E. Johnson, R.N.
- The Resident, Onitsha Province,
Mr V. K. Johnson.
- The Resident, Rivers Province,
Mr L. T. Chubb.
- The Secretary (Finance), Eastern Provinces,
Mr G. B. G. Chapman.
- The Acting Resident, Cameroons Province,
Mr J. G. Mackenzie.
- The Deputy Director of Medical Services, Eastern
Provinces,
Dr C. Wilson.
- The Deputy Director of Agriculture, Eastern Provinces,
Mr M. Park.
- The Deputy Director of Public Works, Eastern Provinces,
Mr E. Wall, M.C.
- The Acting Senior Crown Counsel, Eastern Provinces,
Mr F. E. Field.
- The Senior District Officer,
Mr S. P. L. Beaumont, (Extraordinary Member).
- The Crown Counsel,
Mr G. G. Briggs, (Extraordinary Member).

UNOFFICIAL MEMBERS

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- 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 E. N. Egbuna.
- The Member for African Commercial Interests,
Mr G. H. H. O'Dwyer.
- The First Provincial Member for the Onitsha Province,
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- The First Provincial Member for the Owerri Province,
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Mr D. N. Achara.
- The Member for Educational Interests,
Mr A. Ikoku, O.B.E.
- The Second Provincial Member for the Calabar Province,
Mr Nyong Essien.

ABSENT

OFFICIAL MEMBERS

- The Resident, Owerri Province,
Mr J. S. Smith.
- The Resident, Calabar Province,
Mr C. J. Mayne.
- The Deputy Director of Education, Eastern Provinces,
Mr C. T. Quinn-Young.

UNOFFICIAL MEMBERS

- The Provincial Member for the Owerri (Rivers) Province,
Mr H. Bowari Brown, O.B.E.

PRAYERS

At the request of the President, Reverend O. Efiog, O.B.E., the Member for Urban Areas other than Port Harcourt, opened the proceedings of the House with prayers.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 14th of July, 1949, having been printed and circulated to the Members were taken as read and confirmed.

QUESTIONS

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

2. To ask the Secretary, Eastern Provinces:—

(a) Is it true that a Sub-Committee of the Parliamentary Committee of Estimates visited Nigeria during the last Spring and conducted some investigations on the Nigerian Post-war Development Plan and condemned it as no planning at all but just merely an aggregate of proposals for spending the money?

(b) If the answer is in the affirmative were the Regional representative Council or Development or Members of the Legislative Council or Development Committees of each Region invited to discuss the real needs of the people with the Parliamentary Committee?

(c) If the answer to (b) is in the affirmative will the Development Secretary state what plans of development for the East that were submitted to the Parliamentary Committee. But if the answer is in the negative why so?

(d) In view of this apparent indictment and condemnation of the original proposals what does Government intend to do with regard to laying bare and open to the public any new prospective plans for acceptance or otherwise before any work could be undertaken?

(e) Out of the £23,000,000 allocated to Nigeria by the House of Parliament will the Development Secretary state how much has already been expended and on what developments for each Region?

Answer—

The Secretary, Eastern Provinces:

(a) It is correct that the Sub-Committee of the Parliamentary Select Committee on Estimates which visited Nigeria last Spring criticised the Nigerian Development Plan on the grounds indicated by the Member but they qualified their criticism by emphasising that "this is not to say that these various kinds of proposed Expenditure are unnecessary; all of them are desirable and most of them are urgent".

(b) Representatives of Legislative Council, of Regional Houses of Assembly and of the Central Development Board gave evidence before the Sub-Committee. Three Members of the Eastern House of Assembly gave their evidence at Enugu.

(c) The Sub-Committee considered the Plan as a whole and gave due regard to those items in it affecting the Eastern Provinces.

(d) Government does not propose to abandon the original plan and to replace it with a new one but during the course of this year the plan is being recosted and revised and regional authorities will be asked to make recommendations regarding any reorientation of the plan which may be considered necessary by way of bringing in new schemes and possibly by abandoning or deferring others which at present have a place in it or by modifying existing schemes.

(e) Of the funds allocated to Nigeria under the Colonial Development and Welfare Acts a total of approximately £2,599,950 has been spent by the 30th of September, 1948. It is regretted that the amount spent in each region cannot be ascertained without considerable research into the accounts since it was only in the financial year 1948-49 that details of the expenditure by regions were included in the Estimates in keeping with the financial arrangements under the new Constitution. The figure of Expenditure from Colonial Development and Welfare funds does not include expenditure from Nigerian funds under Head 50 nor from Appendix I—Advances pending the raising of a loan.

MOTIONS

The Secretary, Eastern Provinces:

Sir, I beg to move the following:—

Be it resolved:

“ That the Memorandum on Local Government Policy in the
 “ Eastern Region be debated by this House and there-
 “ after be submitted to His Excellency the Governor for
 “ approval.”

I count it a great privilege, Sir, to be the mover of this motion on a matter of such vital importance to the development and political progress of the Eastern Region.

It was becoming increasingly apparent that the existing system of local Government was in need of reform—drastic reform—and public opinion made it plain that something must be done about it. Accordingly, at the beginning of August, 1948, a Select Committee of the Eastern House of Assembly was appointed with the following terms of reference:—

“ To review the existing system of local Government in the Eastern Provinces and to formulate general principles for the reform of that system.”

Unofficial Members will recollect that this Select Committee was composed of all the Unofficial Members of this House, and immediately, Sir, and as a result of deliberations, published a report in which, in addition to formulating general principles for such

reform, it recommended that the committee's proposals should be explained and discussed at all levels, including existing Native Authority Councils and Tribal, Progressive and other such Unions. It was at the time stressed, and has continued to be stressed, that the report was not to be treated as a blue print in itself for carrying out reforms, but should rather be regarded as a guide to thought and discussions among the general public. After receiving Government's blessing the report was published and disseminated widely throughout the Region. The next step was for discussions to take place, and this was achieved, and finally the ideas which emerged from throughout the Region were incorporated in a Memorandum of Local Government Policy. This memorandum formed the basis for discussion at a Regional Conference which took place in Enugu on the 21st and 22nd June, and as a result of which emerged not only the enunciation of broad principles but their expansion in matters of some detail. It can be said, Sir, that the introduction of this motion marks one further and definite step towards the goal we have in view.

With regard to the memorandum which is now before every Member of this House, I must explain that at the conference it was suggested that it might be necessary to add an explanatory second part. Instead of this, the memorandum has been slightly expanded to permit of a thorough understanding by the general public. The contents of the memorandum are, I submit, sufficiently indicative enough of our needs for the purpose of drafting a Local Government Ordinance.

Members of this House will have before them an *aide memoire* which has been prepared to invite attention to the changes made in the original draft.

This, I may stress, is not part and parcel of the memorandum, but has been made available merely to assist Members in following the amendments inserted after discussion at the conference to which I have already referred, and indicating any new material. I would further point out that no changes in principles which have been agreed upon have been made, and Members will appreciate that it is with principles we are mainly concerned. Details may well be modified during the drafting period.

At this Session of the House of Assembly we have with us two Extraordinary Members whose task it will be to ensure that the views of this House are taken into account when the drafting of legislation is taken in hand. It is intended that such drafting will commence without delay and that a draft Bill covering the reform of local government in the Eastern Region will be prepared and will come before this House in its final form for full debate, in time to permit its consideration at the Budget Session of Legislative Council in March, 1950.

How appropriate it is, Sir, that a measure of such vital importance to the Eastern Region—of importance second to none in the history of the Region—should reach its final stage in Legislative Council here in Enugu, the capital of the Eastern Region.

The Secretary (Finance), Eastern Provinces:

Sir, I beg to second.

His Honour the Chief Commissioner:

Does any Member wish to address the House?

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

Your Honour, I rise to make a few pertinent observations on the principle of this memorandum. The subject of local government reform in the East strikes directly into the whole fabric of our political and constitutional life, and therefore is a matter of paramount concern. It affects every inhabitant of the Region and should be clearly understood by them individually and collectively, as upon such knowledge and understanding depend mutual confidence and co-operation, which should essentially exist between the local government bodies and their respective electorates.

Again, the proper setting up and efficient operation of local government will constitute the school whereby we may well learn the rudiments and technique of our much vaunted self-government for the country, which every sane person knows will materialise in the gradual evolution of things.

Sir, the tour of the Unofficial Members of this House to the different provincial headquarters of this Region was well planned, significant and pregnant with many fruitful lessons. We were able to gauge or assess to a great extent the political and economic aspirations and ambitions of the people. We came to realise that the majority of the public unconsciously, shall I say, as they were misguided, work assiduously in opposition to their progress. They screamed for one thing and another because they were told to agitate. In certain areas we were regarded as mere paid agents of a bogus and pernicious government to frustrate or postpone indefinitely the dawn of self-rule for Nigeria. The Press sang the same tune. Certainly, Sir, a terrible undercurrent is at work. The sum total of our discoveries and experience is that intensive education is absolutely necessary if the people are to intelligently participate in the administration of this Region; otherwise, the profound ignorance of the people, their hostility and opposition to measures intended for their good, will greatly retard our progress.

The tour was the first of its kind in the history of the administration of this Region. To the people it was quite an

interesting experience and a liberal education. It was an eye-opener to some well-meaning folk as to what extent they had been misled. The excellent and magnificent part played by Mr S. P. L. Beaumont deserves every tribute. We would also pay tribute to your predecessor, Sir, Sir Bernard Carr, Mr Gibbons, yourself and other officials who have contributed to these measures, as well as to all Administrative Officers and local people who made our tour possible and successful.

I shall now briefly refer to certain features in the memorandum, such as traditional authority, democracy and stranger communities and their representation on local government councils, the relationship which exists between one local government body and another within one county council area, the questions of staff and finance, and finally Native Courts as part of the functions of local government.

Traditional Authority.—In the original report of the Select Committee for local government it was indicated that there was little or no Traditional or Inherent Authority in the east, as if the presence of such an authority automatically means conservatism, retrogression and autocracy; as if Inherent Authority cannot passionately seek the good of the people. Wherever we went we discovered that what we place so little importance in was the centre of consuming interest and the object of great veneration, for the people almost said to us, "If your local government reform means the sweeping away of tradition, then keep it to yourselves". Sir Bernard Carr, your predecessor, Sir, in introducing this subject, did mention that Calabar and Onitsha were, from time immemorial, known to have traditional authority. One reads in the history of Calabar of King Eyamba V, King Archibong, King Eyo II, who ruled vast territories covering the extent of their tribes. They were not mere heads of families. Although they maintained no regular armies, yet they made wars on and subdued marauding and war-like tribes surrounding them—near or distant. I just wish to sound a warning note that in the legislation to be drafted ample place should be given to Tradition. I refer to constitutional and democratic traditional authority. It is easier, and more affective, to rule the people, especially at this stage of our evolution, through their own institutions, however modified, than to impose on them a government from without. I would only urge one safe-guard, and that is in no way must we suffer inherent authority to circumscribe or infringe upon democracy, and that wherever tradition clashes with democracy and progress, we must always choose democracy.

Democracy.—This, naturally, leads me to my second point, viz: Democracy. We discovered that those who are most vociferous regarding democracy are most undemocratic and intolerant. In a democratic society, Government's chief aim is the welfare

and interests of the governed. It does all in its power to see that the public enjoy reasonable safety, prosperity, happiness and tranquillity. Every member of the public is called upon individually as well as collectively to bear some responsibility, to willingly co-operate in the maintenance of law and order and the promotion of the welfare of the State. But here members of the public consider their obligation fully discharged when they sit back in their armchairs to criticise Government most ruthlessly and destructively.

Democracy means they say, that everyone has equal say in Government, that is, all are legislators and governors. They offer suggestions which are sometimes, too academic, fantastic, and completely divorced from reality. This they do with unsufferable insolence and rudeness and as one demanding what one considers one's right with all impudence, hostility and noise. Of course they say that Government is so susceptible and vulnerable that it can be intimidated into serving them if they cry loudly enough, even if one asks for the moon. Here, as elsewhere, education is the answer to the problem.

Stranger-Community.—I would just like to stress that too much emphasis has been laid in the past on the representation of stranger communities on local government bodies—Native Authorities. This gave rise to an inordinate scrambling by every stranger community within a locality to demand seats on the local government bodies. In Calabar—a cosmopolitan township with tradition and solid historical background where there are more than sixteen stranger communities all clamouring for seats on the local government bodies—the position become impossible and absurd.

In artificial townships like Port Harcourt, Enugu, etc., it may be tolerable. I want to say emphatically that the practice or custom is not African. It is very foreign to our culture for strangers to claim a place in the political society of the town in which they elect to dwell for reasons of economy and expediency. But if they prove themselves good citizens, the people may then accord them status. The slogan that representation must follow taxation is sometimes urged unnecessarily, to the detriment of all concerned. Some people go to such lengths as to say that the foreign communities—French, Italians, Turks, etc.,—have no representation in the British Parliament, why all this fuss in Nigeria? I would urge that this is a matter to be left with the Africans to adjust without outside interference. I am happy to note that in the final composition of this Memorandum there is no emphasis on or mention of this point.

Relation of One Local Government Body to another within a County Council Area.—Sir, the horizontal relationship advocated in this Memorandum is very much appreciated—one local government body is not made subordinate to the other. Each is answerable

primarily to its electorate in the exercise of its defined functions, and secondly to the regional authority. In this way the local government bodies become excellent training grounds for self-government. This is highly appreciated, and to accentuate it a legislation—Local Government Ordinance—to be drafted promises to be very elastic and permissive, so that local government bodies may enjoy an adequate measure of autonomy over the functions conferred upon them, or specified to be under their jurisdiction by instruments or otherwise.

Staff and Finance.—This is the crux of the whole machinery. The Native Authority system is said to have failed because of the sense of frustration which paralysed it, in that it had very little financial responsibility and no financial autonomy at all. Yet, Sir, I have to stress that efficient and adequate staff, coupled with sufficient revenue, constitutes the pivot on which revolves the success or failure of our project. How to man the Service, where to recruit staff of the requisite calibre and the money to pay them is the crucial question. It does not really matter how beautifully and bravely we plan and make theoretical provision in our Memorandum, or even Legislation, the implementation of these provisions is our greatest concern. We must see to this so that we may not for the second time succumb under another frustration, which on this occasion, may utterly overwhelm us. I strongly favour the provision in the Legislation to be drafted to enable that the services of experts to be shared by local government bodies.

Native Court.—Your Honour, I have to express some apprehension when it comes to the part local Government is called upon to play in the matter of Native Courts. All the time we have entertained the idea that the function of the Native Court, as far as financing it was concerned, was to hitch temporarily to the County Council pending the reform of Native Courts. Then its responsibility will be definitely located, preferably within the aegis of the central government judiciary, as we hope for one judiciary throughout the country. Now that a definite place is given to Native Courts as a part of local government in this memorandum, one is led to conclude that they have come to stay as a permanent function of local government.

We strongly urge, Sir, that Native Courts be completely divorced from the executive of our local government. The two bodies should not be worked into one.

Sir, when the Bill for local government Ordinance shall have been evolved and in hand at all levels, searching and effective criticisms will be in place. At the moment I shall just end my observations on the principles of local government policy in the Eastern Region as contained in this memorandum, by saying that I approve this Memorandum in principle.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Your Honour, I rise to comment on the Memorandum on local government policy in the Eastern Provinces. It is felt that since it has come into existence as a result of the insistence of the Members of this House, and in view of the fact that the Members of this House have played some part at least in formulating the principles on which the new legislation will be based, it will be rather futile for us to debate at length on the paper before this House. Assuming that the memorandum is acceptable to the country, it would rather be like blowing our own trumpet. If it is not acceptable, it would be better to allow the country to read the memorandum and criticise it to the fullest extent; then we could, as representing the people, express our views. The paper represents not only our personal views but views which we have formed through experience. It is possible however that they may not be acceptable in their entirety to the whole of the community. As Your Honour has said, ample safeguards will be made in the Bill to enable traditional authorities to be maintained and to enable women to play the part destined for them. In view of that, Sir, I feel that the Committee Stage will be the proper time for members to express their views for the benefit of our legal friends who will, naturally, prepare the Bill. With these few words I commend this memorandum.

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

Your Honour, having regard to what the member for Urban Areas other than Port Harcourt has said, I think it is only proper to express my views on something which I think may give rise to some misunderstanding. I should have thought that the report as it now stands gives ample allowance for the representation of everyone within a given locality, but it is now apparent that the view may be taken—and possibly rightly taken—that the absence of any reference to what are called “strangers” in the report, means that strangers are excluded from areas where there are traditional authorities. In my view, Sir, if that is the correct interpretation, then it is a wrong one, I would prefer to insist that there should be provision for everyone within a locality to be entitled, as of right, to sit on all the councils within that area in which he lives.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I would like to state, Sir, that personally I accept this memorandum as it stands, and I am very pleased that the proposal for local government in the Eastern Provinces has come to this stage. I have always regarded local government as self-govern-

ment in miniature. One is in a position to have a direct say in the direction of one's local affairs.

But I would like to remind the House, Sir, that in drafting the Bill for local government, it must not lose sight of the fact that the word "native" must not be used. We have agreed that this word should be removed from our documents and so on, but I find, Sir, that this word is continually coming in. I would ask that those whose work it will be to draft the legislation will bear this point in mind.

With regard to stranger elements, I was surprised to hear the Member for Urban Areas, other than Port Harcourt, referring to this point, because it was my understanding that any person in any one area is entitled to sit on any Council. That is why the Native Authority system has failed, because if you did not belong to a particular place, then you had no right to take part in the affairs of that place, even though you had lived there for many years. I would like to remind Members that this is brought out clearly on page 4 of the memorandum ". . . all classes of persons shall be eligible for membership of such councils if the electorate so desire". I should like to remove the words "if the electorate so desire". It is the right of a person in a place resident and paying tax in that place to have the privilege of being a member of a council of that place.

The Secretary, Eastern Provinces:

May I interrupt, Sir, to remind the Honourable Member that we are going into Committee, when this particular point may be raised.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Your Honour, I merely wished to make the point. I hope that the details of the whole matter will be gone into.

I would now refer to the division between county, district, local and other councils. When it comes to that time I hope that representative members of different localities will be consulted so that we can find out their views and their reactions to union or non-union with one or any other group or groups of peoples.

Sir, I support the memorandum on local government heartily.

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

Sir, I second what the previous speaker has said. It would be the wish of our people to see, read and digest this memorandum before we come here to debate it in full. I should like provision to be made whereby copies shall be circulated to all councils and Native Authorities, and also made available to private individuals who wish to read it. The local government report is the reform of

the existing system and I do not think that it is a new creation, and there are certain terms in the reform which, when the House goes into Committee, I would like to be deleted. Some of these terms may be found on page 12, section 19: "To provide for the qualification of councillors and electors," etc. I should like to have the words "British subjects or British protected persons" deleted and the word "inhabitants" substituted therefor. Being a British protected person or a British subject has nothing to do with our local government. As I said before, local government has been in the Eastern Provinces of Nigeria long before the advent of the British and being a British protected person or subject should not be a qualification for being a Councillor.

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

Your Honour, I should like to remind the Honourable Member that we are not yet at the Committee stage.

His Honour the Chief Commissioner:

I think we might let the member proceed.

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

There are other points which have not been clarified or entered in the Memorandum. I would like to see entered therein a provision to enable either the village or the district council to take action against a villager who refuses to take part in rendering a service which the village or district council is agreed upon. It is not stated who has the right to take such an action. If the district council has no jurisdiction in the village—I mean, in the rules passed by the villagers, then it may not be in a position to take such an action. If the action is to be taken by the village council, since it is not a corporate body I should like to see that a provision is made whereby either the local government council or the village council shall have a definite right to take action against anyone who breaks the rules put forward by it.

Another thing, it is usual with people in the Eastern Provinces of Nigeria to have specific days in certain months for their meetings, and I would like our local government councils to maintain the old African way of life, as far as it is compatible with progress. It is given in a certain paragraph here that notice shall be given in writing within certain days before meetings are held. But it is our experience that we have fixed days in certain months when every member knows that there is a council meeting. We cannot expect that all members who are proposed to councils will be literate.

I should like to leave the minor points which I should like to see amended until the House goes into Committee. I support the reform and am pleased with what is now coming on in

the Onitsha Division under Your Honour and hope to see it extended to all parts of the Eastern Provinces. I hope that every district, town or village will be prepared to receive the local government councils with open arms.

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

Sir, I wish to support what the previous speaker has said.

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

Your Honour, I do not rise to pick holes in the memorandum but to support it in principle, but I should like to make a few remarks on certain points which are being raised in this House. I take first the reference to strangers. Personally, Sir, in a group of men I do not know who is the stranger, other than the man who runs contrary to the best interests of the group in which he lives, whether he comes from Macedonia or is indigenous. I believe in the personal qualities of an individual, for it has been truly said, "My country is not where I was born but where I live". Yesterday, in the existing system of our government we suffered great loss indeed by discriminating against those of us who crossed over creeks or seas or roads, or tracks. We collected their tax and discriminated against them and failed to exploit them to the best interests of the group. We prevented them from making use of the privileges and facilities available. But under this new system of government we believe that whoever is an inhabitant of a place is indigenous to that place insofar as his activities are concerned. I support that all strangers are free members of the group in which they live, and I wish we could cancel out the word "stranger" which is applied to those who are very useful to the community in which they live.

I beg to refer, Sir, to traditional office. I do not believe in the saying that here in the Southern Provinces, in particular, there was nothing like traditional rulers. I support and maintain . . .

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

Southern Provinces, Sir, means Eastern and Western Provinces.

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

Thank you, I mean Eastern Provinces. I maintain that we had our kings. In our folklore dictionary we have words like *Ntinya* which means "crown"; *Ekpoikpo Ubong* which means "throne" and *Ekuike* or *Monyo* which means "sceptre". These are definite indications that we had kings in our country and we do not want to do away with such natural authorities. I submit, Sir, that our government in days gone by was a mixture of monarchy and democracy and I do not suggest that we should

do away with that ancient landmark, because it is a tradition of which we are proud. Even in our legends and ancient wisdom there abound indications that we had our royalty. For instance we have that tiny little creature of the mouse family which we call *Ekammbiang* which means "the king of rats". We would not have referred to it in this way if we had no royalty. We call the smallest animal *Eso* the king of animals—not the lion—and instead of the eagle, we call a tiny little bird *Ngasak* of the canary family, yet strong and beautiful, the king of birds. We hold the tortoise as "the king of wits and wisdom". I do not believe in the aristocracy of birth, but I do believe more in the aristocracy of intelligence.

All the foregoing references testify definitely to the fact that we are a people endowed by Nature with offices of "Kings", "Chiefs", and "People", as embodied in British Nigerian Treaties.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Sir, I think in the memorandum that provision has been made for the recognition of traditional authority which members desire. As was pointed out during the course of the tour, and as members found out, insistence on the lack of inherent authority in the Region was the basis for a lot of misunderstanding, if not ill-feeling. As set out in the memorandum it will be possible for each area, after due enquiries have been made, to put forward its own proposals for the application of the legislation within that area, and this will give an opportunity for recognition of traditional authority in the manner which the people of that area so desire. We do insist, however, as has been pointed out by some of the speakers, that where tradition clashes with democracy, then democracy must win.

The Member for Urban Areas other than Port Harcourt mentioned "strangers" and I think he probably intended to convey that as we had not made any definite statement about them it might appear that we did not wish to give them any particular position in local government; and this omission is, as other members have said, open to misinterpretation. One section of the memorandum, which was read out, was written with the view to making it plain that the jurisdiction of all local government bodies should extend to all classes, and we hope that the time will not be far distant when all classes, whether strangers or not, living in an area as inhabitants of that area, will participate in local government.

Attention has been called to the provision of staff and finance. Trained and experienced staff, as has been pointed out, is the key to successful reform, and we are very much exercised with the provision for training such staff. We hope it will be possible in

the near future to devise means by which we can send some of the existing staff on suitable courses for training in local government work. I am thinking of staff already serving in the Native Authorities, and possibly other people. With regard to finance, I think it has been made quite plain in the memorandum that much will depend on the local government bodies themselves. They cannot look to the Central Government to provide money unless they themselves are prepared to help themselves by rating. I am sure they will find that they will be able to provide the money themselves for the services which the people so rightly desire. We are giving them the opportunity of doing this so that in an area which wants to go ahead the machinery will be available.

Attention has also been called by the Provincial Member for Ogoja Province to the use of the word "Native". The draftsmen and myself fully appreciate your feelings in this matter and we will do our best when the time comes to draft the Ordinance to exclude this word insofar as it is possible, but as you are aware, it does crop up in quite a considerable amount of existing legislation and it may not always be possible to exclude it. We will, however, do our best to defer to your wishes.

I have already referred to the enquiries which will be held before the actual schemes for the introduction of reforms in any given area go through, and everyone will be consulted. We have drawn the Ordinance in general terms so as to permit the allocation of functions between district and other councils in the manner which is most suitable to the area concerned.

The First Member for Onitsha Province asked if this memorandum could be given publicity. The President of the House indicated in his speech that it would be printed, and if it is printed it will be available for circulation to existing Native Authorities, Councils and members of the public.

I think, perhaps, that I should not go into detail on matters which will come up at the Committee stage, but I would like to say that the expression "British protected person" has been used simply as a legal term. As with the word "native", it is necessary to use legal parlance, as it must be quite clear precisely who is eligible to stand for election, or to elect and use the vote. I would therefore ask the indulgence of the House in this matter so that the legal draftsmen will be given such latitude as will enable them to ensure that there can be no possible misunderstanding of the wording of the draft later on. Similarly, with regard to the question of the enforcement of the obligation of the villager to play his fair share in providing the customary services towards his village. Little reference has been made to this in the memorandum for a deliberate reason. The powers to enforce the exaction of such services are governed by the Labour Code. This matter has already

been discussed during the course of our tour on many occasions and it has been taken up with Government in an attempt to obtain the necessary amendments.

With regard to the question of the use of traditional meeting days for councils, particularly local councils, I think that will be a matter for local arrangement. I think that so far as custom is compatible with progress, we should specify that notice be given of a meeting. Members of a council would naturally wish to know what is on the agenda for discussion at meetings. We thought it advisable at this stage, in view of the rapid development which we hope will take place once new local government councils are established, to put this in the memorandum. We thought the Councils would find it necessary to keep in line with progress and to use the more modern type of procedure whereby notice is given of meetings; but this need not make them depart from their customary days of meeting in areas where such is possible.

Well, Sir, I have attempted in this short speech to cover the points which have been raised, and as the greater part of the House appears to accept the memorandum in principle, other points arising can be dealt with in Committee.

His Honour the Chief Commissioner:

I am not quite clear whether or not any other Unofficial Member wishes to address the House. Mr Beaumont can presumably speak at any time, but I was not quite certain when Mr Beaumont stood up whether any other Unofficial Member wished to speak.

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

Sir, Mr Beaumont has covered the point which I wished to stress. I have heard from the chiefs repeatedly on the subject of traditional authority, and one chief went so far as to say that they would be sending in a special petition to you if a provision was not made for them in the local government. I will not say anything about strangers taking part in local government because I think I am right in saying that when we come to the Committee stage we shall be able to assess the opinion of the House. For myself, wherever I am in Nigeria, I shall not be pleased if I am regarded as a stranger in a place where I pay my tax and live there for years. However, I will leave that for the moment.

One reason why I commend local government is for the place it gives to villages. Proposals are made for the improvements of big townships, but very few people do remember the place where they were born. And yet people in, say, Enugu, who claim that Enugu is the most important part of Nigeria, do go home to the village where they were born, and which they properly refer to as their homes. Our own idea of the word "home" is very different from the European idea. I am very pleased that this memorandum has

given a very big place to the improvement of our villages, because of the pride we Africans have for our homes—our villages.

I will end by saying that I heartily support this memorandum.

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

Sir, it is rather unfortunate that this question of "strangers" has come up for consideration. I see here in the memorandum that there is a provision that a council might make some declaration as to what is the native customary law of a particular place. I am wondering whether anyone who has no community of interest in a particular place could know what the native law and custom of that place is. It is a point worth noting, because in paragraph 34 it will be seen that qualification of a councillor is most vague. A person by residing in a locality for two months, or even two weeks, may qualify to become a councillor. I mention this point so that we may all give careful attention to it.

His Honour the Chief Commissioner:

Does any other Unofficial Member wish to speak?

The Secretary, Eastern Provinces:

Sir, in winding up the debate, I do not wish to enlarge on the very adequate replies which have been given by the Extraordinary Member. As I think everyone will agree, the points which have been brought up during debate will, I am sure, be brought up again during the Committee stage, and for this reason I do not propose to go into the question of councillors and their qualifications as such. I think, Sir, that will be very adequately dealt with at a later stage.

I would add, Sir, that I would like to congratulate the Member for Urban Areas other than Port Harcourt, for his very able opening speech.

His Honour the Chief Commissioner:

The House will now resolve itself into Committee to consider the memorandum by paragraphs.

The House is in Committee.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Have we in fact accepted this memorandum in principle?

His Honour the Chief Commissioner:

It is on a Motion and I will put the question after we have been through Committee and made such amendments as are necessary.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Paragraphs 13-15.

May I ask that the words "if the electorate so desire" be deleted.

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

I second that.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

The words are completely unnecessary.

His Honour the Chief Commissioner:

It clarifies the situation. If the electorate desire to elect him, then he can serve as a councillor. He may be eligible, but still not elected.

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

I support the amendment, because the words are prejudicial.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I do not understand the objection. To my mind the words imply that unless the electorate wish you to be a member of the council you will not be. That is all. You are eligible to stand, but if the electorate refuse to have you then you are thrown out. It is quite simple. We are apt to interpret these things differently, but I am certainly not in favour of the amendment.

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

I support the amendment. It seems to me that "If the electorate so desire" conflicts with the qualifications that have been laid down for membership. It appears to me that a Member who has the specific qualifications is still dependent upon the wishes of the electorate.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I do not think it is a matter of great importance whether we amend the paragraph or not. If the House prefer that the words be deleted, I think that the intention will still stand and we can accept the amendment.

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

I think we should accept the amendment.

His Honour the Chief Commissioner:

I will put the question to the House. The question is that paragraph 14 should be amended by the deletion of the words "if the electorate so desire".

Those in favour say "Aye", those to the contrary, "No".
The "Ayes" have it.

The Resident, Ogoja Province:

Paragraph 17 (a).

Dismissal of key staff. I cannot find reference in the memorandum to non-key staff. How are they to be dismissed? Do the local councils actually employing them do the dismissing?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

In the memorandum power is given to engage staff, which also means the power to dismiss that staff. The council will be in the same position as any other employer of labour, except with regard to key staff.

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

Paragraph 21.

It was on this score, Sir, that I made mention of complete divorcement of Native Courts from the local government because of this division of responsibility and management, and as I mentioned during our tour and at the summing up, we think that our Native Courts system and operation should be completely divorced from the executive, and I further said, Sir, that the insertion of Native Courts within the framework of this memorandum would make the operation of Native Courts one of the functions of local government, either by financing them or in some other way, and I call upon this House to give Native Courts a place outside this memorandum—Native Courts being a part of the Judicial System of the whole country. We are merely dealing with their temporary operation until the reform of the Native Courts is accomplished, and therefore inserting it in this memorandum gives it the colour of a permanent function of local government.

His Honour the Chief Commissioner:

Has the Member an amendment to propose?

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

I propose that Native Courts be deleted entirely from this memorandum as a function of local government.

His Honour the Chief Commissioner:

You wish to delete paragraphs 19-23 inclusive?

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

I support the view that this reference should be entirely removed from the memorandum. After all, as it says here, it is just a temporary measure to be done away with in the course of time.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I would like the Member for Urban Areas other than Port Harcourt to suggest what we are going to do with Native Courts in the meantime, if we take out all reference to them in this memorandum. It is not suggested that Native Courts should cease merely because we have local government. It seems to me, though, that the fortunes of the Native Courts are tied up at the moment with local government, and I think we must keep this reference in the memorandum.

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

I do not support the deletion of this section. Throughout the tour, one of the most important questions the people asked was on the existence of the Native Courts, and the existence of this section here will in no small way let the people know that the House is thinking of the Native Courts. Furthermore, I will suggest one more addition to that section. There are certain differences between the inhabitants of a village that are not generally reported to a Court, but to village councils. I am suggesting that the differences settled by village councils should be recognised. I would like to see village councils given the latitude to settle such minor civil domestic differences without having to go to Court.

His Honour the Chief Commissioner:

If I may interrupt, so far as I see it here, we are dealing with the administration of the Native Courts and not with the form of justice or jurisdiction of the Courts. This deals simply with the maintenance of the Courts during an interregnum.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

During our tour we were agreed in principle that Native Courts should be divorced from the local government administration, but we also saw the practical difficulties and we were quite prepared to compromise for the interval between now and the revision of the Native Courts and, indeed, I think we have already suggested a Commission to go round and study the case and prepare a report for Your Honour. I think that the offending part of the section is really the last part of paragraph 20, "and may well continue to do so when local government reforms are introduced". I would suggest that the sections 19-23 be removed and re-cast, with the omission of the offending words, and then be appended to the report as a mere appendix and not form part of the main body of the report. We must face the practical difficulties of having the Courts open and the administration of justice going on while we are seeing into the reform of the Courts.

His Honour the Chief Commissioner:

That is an amendment to an amendment.

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

Your Honour, I support the amendment by the Member for Urban Areas other than Port Harcourt. During our tour the people seemed very anxious about the fate of Native Courts, and we told them that reforms in the Native Courts would take place automatically after reforms in local government, and if they see sections devoted to the Native Courts here in this memorandum they will think it funny of us. Also, speaking from the layman's point of view, I think our Native Courts are a tradition and form quite an independent service.

His Honour the Chief Commissioner:

Are you speaking on the amendment?

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

On the amendment.

His Honour the Chief Commissioner:

We are now speaking on the amendment to the amendment.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

With regard to Native Courts, I object to the amendment of this paragraph and I should like it to stand.

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

In speaking of the amendment to the amendment, I understand the mover to have two things in mind: firstly, that the section should be taken from the report and placed at the back as an appendix, and secondly, that the offending clause should be deleted. If Members examine the paragraphs one by one, I do not think they will object to the section remaining in the report. Clause 19 is a statement of fact, and to my mind a correct statement of fact. Clause 20 is also a statement of fact, and to my mind a proper and correct statement of opinion and I think that the judgment is a correct one. These sections must form part of the report, inasmuch as they form a proposal to make legislation to enable County Councils to shoulder the financial responsibility of providing staff, buildings, etc., for the Native Courts. If we remove them, there would be no provision in the laws to be enacted for the County Councils to take over the responsibility which is now borne by Native Authorities. Native Courts must remain for the time being, and if they must remain someone must bear the responsibility of maintaining them. At present the only solution which could possibly be considered would be for the Central Government to take over the Native Courts. If not the Central Government, then the burden must fall on the County Councils, and how can they do so unless they have power by

law? If we view the facts as they are set out I think we must agree that it is essential to maintain Native Courts for the time being, so I do not see how we can remove this section from the report. I oppose the amendment to the amendment and will most certainly oppose the amendment itself.

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

I am prepared to accept the amendment to the amendment. In fact I had it in view, and I think an appendix would be a good thing. I also agree with the compromise point made, that an insertion should be made to show that it is merely a temporary function of the county council.

His Honour the Chief Commissioner:

The amendment to the amendment was to delete the words "and may well continue to do so when local government reforms are introduced".

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

I accept that.

His Honour the Chief Commissioner:

Now the amendment is that paragraphs 19-23 should be removed from the body of the report and made an appendix to the report.

The Secretary, Eastern Provinces:

I do not quite understand the point. If paragraphs 19-23 are expunged from the main body of the report and made an appendix to the report, they will still form part of the report.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I would like to point out why these paragraphs were brought into the memorandum. We wanted the difficulties with regard to Native Courts set out completely and, as the Member for the Onitsha Province has explained, these paragraphs were very carefully considered and it was decided to set out all the problems involved so that everyone could clearly see that we do appreciate the provision for the Native Courts is not entirely satisfactory and that a review of the Native Courts system is being undertaken in the near future. It would also be plain to them that this provision is a temporary measure only. I would suggest that Members do consider it in that light. As the section is to have any force, however, it would be better if it did remain in the body of the report.

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

I wonder if perhaps I should make an amendment.

His Honour the Chief Commissioner:

That will be an amendment again to an amendment. Would you like me to dispose of the amendment we have? I will then give you an opportunity of proposing a further amendment.

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

I am speaking as a layman, but I cannot see what great difference it makes if we have this section here. I stress this point, Sir, because those of us who go to villages in our districts know how strongly the people and chiefs feel on this matter. If we leave the section here, at the time when the Native Court system is thoroughly revised and the section becomes unnecessary it can be expunged, but do let us have something in the memorandum about the Native Courts. Otherwise we shall find ourselves in difficulties of having to answer questions from the chiefs who are still influential.

His Honour the Chief Commissioner:

It is proposed to put the question on the amendment.

The question is that the memorandum be amended by the deletion of paragraphs 19-23 and they be removed and placed in an appendix, and that the words "and may well continue to do so when local government reforms are introduced" should be deleted. Those in favour of the amendment say "Aye" and those to the contrary "No".

The "Noes" have it.

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

Paragraph 22.

Paragraph 22 is not quite clear to me. I understand that at the time when villages were asked to appoint someone as a Court member, the villagers did so in the presence of the District Officer and the name of the man elected was sent to the Resident for ratification. If that is what paragraph 22 means, then I will sit down.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

This is a statement of the actual legal position. The Resident is responsible for the appointment of members of the Native Court Bench. It is customary for the Resident to seek the advice of the District Officer in this matter, and the District Officer quite frequently requests the recommendations of the village councils. There is no intention in this statement of legal procedure that the matter should be changed in any way.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes.

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

Paragraph 23 (a) sub-section (3).

I should prefer to use the word "salaries" instead of "sitting fees".

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

"Sitting fees" are the customary words throughout the Region. Everyone speaks of "sitting fees" and I think the term is very clearly understood.

The Secretary (Finance), Eastern Provinces:

Furthermore, salaries are not paid but fees are.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

I think fixed salaries would be a much better idea.

His Honour the Chief Commissioner:

We are discussing the terminology used and not whether sitting fees or salaries are preferable. The word "remuneration" might be used, but the expression "sitting fees" is a much more common one.

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

Personally I don't like the expression "sitting fees" and when the Native Courts are reviewed and permanent members are employed to sit in the Courts, then I think it would be more appropriate to refer to the remuneration as "salary" and not "sitting fees".

His Honour the Chief Commissioner:

Has the Member an amendment to propose?

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

I would suggest "remuneration".

His Honour the Chief Commissioner:

The amendment proposed is the deletion of the words "sitting fees" and the substitution of the word "remuneration".

The Secretary (Finance), Eastern Provinces:

I suggest that "to those who sit on the Native Courts" should be added.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Some words must be added to "remuneration" as I shall not know to whom the remuneration shall be paid. I might even pay it to myself.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I think the words "sitting fees" are most appropriate and I do not think it would be proper to deviate from them.

His Honour the Chief Commissioner:

Does the Member wish to continue with his amendment?

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

I think "sitting fees" is appropriate for the time being.

The First Provincial Member for the Owerri Province (Mr M. W. Ubani):*Paragraph 23.*

I should like to draw attention to the first three lines of paragraph 23 and the words "which can be subsequently repealed if necessary". This, I think, rather ties up with our arguments on paragraph 20, and I think it should read "which can be subsequently repealed after the review of the Native Courts system".

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Sir, I oppose that amendment. It seems to me that the last speaker is seeking to prejudice the review of the Native Courts system. We do not know what form the review will take and, as the Member for Onitsha Province said earlier, it may well be that the county councils will in future run the Native Courts. It would be wrong to prejudice the issue at this stage in a report which is going to be read by everyone. So far as the drafting of the Ordinance is concerned it can make no difference. I am opposing the amendment on principle.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Soon there will be a revision of the Native Courts system and I think it would be improper for this House, in a document like this, to attempt to water down what the findings of the Court may be. We shall be attempting to tie their hands and it would be most undesirable. As it stands, there is ample safeguard and I suggest that the matter be left as it is.

His Honour the Chief Commissioner:

Does the Member wish to press his amendment?

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

No.

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

Paragraph 26.

I do not quite understand what is meant by " a majority of three quarters of the councillors present ". Generally we accept the decision of the Council by a majority vote, and it is so specifically laid down in our Bye-laws. That should be equally applied in this case.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I might remind the member that this was inserted at the request of the members at the Conference.

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

Paragraph 28.

Here it lays down that " individual members of county, district, local and village councils shall be individually responsible under penalty for reporting to the nearest Court or Administrative Officer the occurrence of any act likely to cause a breach of the peace which comes to their notice ". This would mean that a member would have to report all sorts of things and where would that lead us? Surely we need to indicate that a serious breach of the peace is intended and not every trivial occurrence in the by-ways and farms? As it stands it includes all sorts of things.

His Honour the Chief Commissioner:

Would the member indicate an amendment?

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

I would propose the word " serious " after the word " a " in the eleventh line of paragraph 28.

His Honour the Chief Commissioner:

It is proposed that paragraph 28 should be amended by the insertion of the word " serious " after the word " a " and before the word " breach ". The question is that paragraph 28 be amended in this form. Those in favour say " Aye " and those to the contrary " No ".

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

I would add the words " or police officer " after " Administrative Officer ".

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

It is the duty of all of us to report such acts to the police, but I will insert it in the draft if the House considers it necessary.

His Honour the Chief Commissioner:

Does the member wish to press his amendment?

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

In England, is it the duty of local government councillors to report all breaches of the peace or acts likely to cause breaches of the peace to the police?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

In England the situation is rather different because there are many more police, but it is their duty as ordinary citizens to do so, though they have no such duty imposed upon them by any Local Government Ordinance as is proposed here. This is taken from the Native Authority Ordinance.

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

If that is so, then I propose the deletion of paragraph 28, because as a member of a Native Authority I know the difficulties to be experienced in going round from place to place in order to maintain the peace and report breaches of the peace. In this report provision is made for the establishment of a constabulary, I would suggest that it is the function of the police so established to report such matters. I should very much like to see this paragraph deleted.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I would support the last speaker, though I would not like the whole of the paragraph deleted. I should like the words " It is proposed that a special section " down to " to their notice " deleted. We have been told that it is the duty of every citizen to help keep the peace, and I am sure that members of councils, whether county, district or local are gentlemen who will be out to keep the peace in their areas. If it is not the custom of members of councils in the United Kingdom to be bound by law to report breaches of the peace, I do not see why it should be the case here. I have been told it is because there is not sufficient

police force in the country. In this memorandum it says that local government councils will institute their own police force, in which case I do not see why members of the council should be imposed upon to do the work of the police. It can be taken for granted that they would so report, but I do not think it should be legally binding. I would suggest that these words be deleted.

His Honour the Chief Commissioner:

The member's amendment is that the words "It is proposed that a special section be devoted . . ." down to "which comes to their notice" be deleted?

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

Yes.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think we can press the analogy of English practice too far in this particular case because we are in danger of getting away from the facts of the local position here. There are no Native Authority Police forces, as in the North and West, so that provision has to be made for a constabulary in the future, after the local government bodies are on their feet. And I rather think that the local government bodies will prefer to provide amenities for their citizens rather than possibly taking as their first act the provision of some sort of constabulary. Obviously, in the meantime it is essential in the interests of every member of the community that law and order should be preserved. There are cases where people do not take their responsibilities as seriously as they should, and I think it essential, at least in the early days of local government councils, to carry over from the Native Courts Ordinance these statutory provisions which do require members of the Native Authority to be peculiarly responsible for ensuring that serious breaches of the peace do not occur. In time, when an efficient local constabulary is established, I think the matter can be reconsidered, but until that time is reached I think that members, on reflection, will agree that we can hardly delete the whole of the provision which is made.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiyam, O.B.E.):

I would refer to the question of dignity. If a member of a Council does not do his work properly and there is a serious breach of the peace which he knew about, then he should stand before the law, but to compel him by law to say he knew about it and to report; this is not right, Sir. If members who are elected to

councils cannot do their work properly, then we have the means whereby we can remove them from office. I strongly object to this paragraph.

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

I think it a good thing that everyone should be bound to do their duty for one must protect the community somehow. I think such a provision is essential and I oppose the amendment.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

We must not lose sight of the actual facts of the situation and it is, as has been said before, possible to press the English analogy too far. I think the sentence should read "It is proposed that a special section be devoted to this subject which will provide that, pending the establishment of a rural constabulary, individual members of county,"

The Secretary, Eastern Provinces:

By the inclusion of those words, are we not releasing the councillor from his Common Law duties?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Nothing will operate in this section to release a man from his Common Law duties and these words could easily be added to this section if the House would accept them.

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

The amendment to the amendment is?

His Honour the Chief Commissioner:

The amendment to the amendment is that the words "pending the establishment of a rural constabulary" should be inserted between the words "that" and "individual" in the eighth line of paragraph 28.

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

It seems to me that insertion will release people from their duties under Common Law, and since the Crown Counsel says that it will not make any difference, I see no reason why those words should be added.

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

There is possibly a suggestion that once the constabulary is established a county councillor is no longer bound to report to a District Officer or policeman any serious breach of the peace which comes to his notice. But since we cannot expect to have

sufficient police to cover an entire area, then I myself oppose any amendment to the clause as it now stands.

The Second Provincial Member for the Cameroons Province (Galega, Fon of Bali):

I rise to support the previous speaker. The section should remain as it is, on condition that everyone should do his own piece of work. I, as Fon in my own district, would certainly report any breach of the peace of which I was cognisant to the District Officer. I do not think it is correct to sit back and think of our own dignity.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

I think this paragraph is perfectly reasonable. The wording "a serious breach of the peace which comes to their notice" is quite simple. If it does not come to your notice you are not responsible, and if it does and you conceal it, you should be dealt with.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I put forward the amendment to the amendment in the hope that it would be supported, and I have since been surprised to hear these gentlemen arguing that the removal of the words "It is proposed" down to "to their notice" would have the effect of removing responsibility which surely all of us feel we should rightly share. I think the operative words are "under penalty". I think those words are really at the bottom of the objection of my friend from Ogoja Province.

His Honour the Chief Commissioner:

I will now put the question. The question is that paragraph 28 should be amended by the insertion of the words "pending the establishment of a rural constabulary" between the words "that" and "individual". Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

Do you wish your amendment to be put to the vote?

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I do, Sir.

His Honour the Chief Commissioner:

The proposal is that paragraph 28 of the memorandum be amended by the deletion of the words "It is proposed that a special section be devoted to this subject which will provide that . . ." down to "which comes to their notice". The question is that the memorandum be amended by these words. Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

DIVISION

For

The Provincial Member for the
Ogoja Province
The First Provincial Member for
the Onitsha Province

Against

The Second Provincial Member
for the Calabar Province
The Member for Educational
Interests
The Second Provincial Member
for the Owerri Province
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 Member for African Com-
mercial Interests
The Member for Professional,
Salaried and Wage-earning
Classes
The First Provincial Member for
the Cameroons Province
The Member for Urban Areas other
than Port Harcourt
The Senior Crown Counsel, Eastern
Provinces
The Deputy Director of Public
Works, Eastern Provinces
The Deputy Director of Agricul-
ture, Eastern Provinces
The Deputy Director of Medical
Services, Eastern Provinces
The Secretary (Finance), Eastern
Provinces
The Resident, Cameroons Province
The Resident, Rivers Province
The Resident, Onitsha Province
The Secretary, Eastern Provinces
The Resident, Ogoja Province
The Chief Commissioner, Eastern
Provinces

 2

 22

His Honour the Chief Commissioner:

The result of the voting is "Ayes" 2; "Noes" 22.

The "Noes" have it.

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

There is a point I would like cleared up in connection with this paragraph. Have the local government bodies anything to do with the existing police?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The Nigeria Police Force is maintained and operated by the central administration and local government as such, is not concerned with it.

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

It is therefore compulsory that the police force must be established by local government; otherwise we have not police protection. I would therefore suggest an amendment, and that is that the words "or the Police" come directly after the words "Administrative Officer" on the eleventh line.

His Honour the Chief Commissioner:

Crown Counsel said that that would be borne in mind when drafting. Is the Member satisfied?

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

No, Sir. There are certain districts where District Officer and the Native Court may be far removed from the place where a breach of the peace takes place.

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

It would be out of order. This point was raised and this House reached a decision, and I suggest that it is out of order to re-introduce the subject, Sir.

His Honour the Chief Commissioner:

I must rule that the Member is out of order. This very point has been raised and disposed of.

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

I would suggest the removal of the words "under penalty". If councillors cannot do what they should for their people without a penalty attached, then we can have no faith or confidence in them.

His Honour the Chief Commissioner:

Members have already expressed themselves at some length on this subject and we have their views. I will put the question straight away. The question is that paragraph 28 of the memorandum should be amended by the deletion of the words "under penalty". Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

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

I should like a division.

His Honour the Chief Commissioner:

We will take a division.

For

The Second Provincial Member
for the Owerri Province

The First Provincial Member for
the Owerri Province

The First Provincial Member for
the Onitsha Province

Against

The Second Provincial Member
for the Calabar Province

The Member for Educational
Interests

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 Provincial Member for the
Ogoja Province

The Member for African Com-
mercial Interests

The Member for Professional,
Salaried and Wage-earning
Classes

The First Provincial Member for
the Cameroons Province

The Member for Urban Areas other
than Port Harcourt

The Senior Crown Counsel, Eastern
Provinces

The Deputy Director of Public
Works, Eastern Provinces

The Deputy Director of Agricul-
ture, Eastern Provinces

The Deputy Director of Medical
Services, Eastern Provinces

The Secretary (Finance), Eastern
Provinces

The Resident, Cameroons Province

The Resident, Rivers Province

The Resident, Onitsha Province

The Secretary, Eastern Provinces

The Resident, Ogoja Province

The Chief Commissioner, Eastern
Provinces

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His Honour the Chief Commissioner:

The result of the voting is "Ayes" three; "Noes" twenty-one.

The "Noes" have it.

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

I would suggest that instead of the word "Administrative" we use "Public".

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

I would read from the word "Public" any officer in the Service, including such people as Government dispensers.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

The words "Public Officer" would be wrong, but we could use either "Police Officer" or "Administrative Officer".

His Honour the Chief Commissioner:

Does the Member wish to withdraw his amendment?

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

I support the suggestion of Crown Counsel.

His Honour the Chief Commissioner:

It is now nearly 1 o'clock. Is it your pleasure that we adjourn and resume at 3 o'clock? Aye.

The House will now adjourn.

The House adjourned at 1 p.m.

The House resumes.

The House continued the discussion of the Memorandum on Local Government Policy at 3 p.m. Friday, July 15th, 1949.

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

Paragraph 28.

May I ask whether the village council or the local government council will take action against a villager who fails to abide by the decision of the village council.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Sir, the answer is the village council.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Paragraph 34 (b).

In effect a chairman can say "I resign right away". That is the English practice. But if the House requires a time to be given I should like to be instructed.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I think it highly undesirable that a chairman should be held to his post one moment longer than he wishes. He should be able to leave at once.

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

May I ask the Member making the amendment what would happen if the required period of notice was not given. What are

we proposing to do about it if a chairman does give five minutes' notice?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I would point out that we do make provision for a vice-chairman so that there will be someone to carry on.

His Honour the Chief Commissioner:

Does the Member wish to press his amendment?

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

No, Sir.

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

Paragraph 34 section 4 (ii)

May I ask the meaning of "councillors elected indirectly"?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The purpose of this section is to permit the indirect election of councillors by electoral bodies whether they are lower councils or special electoral colleges, which may have no other function in local government, and where it may be desirable not only to allow them to elect members from amongst their own number but to permit them to elect other persons who may not actually be members. The actual scheme will be drawn up after local consultation at the time of the enquiry, and we here are simply drawing proposals for the Ordinance rather widely to permit a vast variety of elections, which are suitable to local conditions.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes.

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

Paragraph 34 sub-section 4 (iv).

Councillors appointed under the Instrument. May I know how this appointment is to be done and who will appoint them? I would also ask whether or not the appointed person is the same as a co-opted member?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

This is intended to provide for still another variety of appointment for the composition of a council. Co-opted members refers only to members actually co-opted by the councillors themselves, but it may be found in certain areas at the enquiries,

which are held before the local government reforms are brought into operation, that there are traditional heads, for example, who may be required to sit of right as a member of the council. This may not necessarily happen, but we leave it as wide as possible in case in a particular area there is a question of a right to an appointment. That will be stated in the Instrument under which the council is established.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes.

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

May I draw attention to page 12, section (19). This paragraph appears to me to give a very wide interpretation to the length of time a man must be resident in an area to be eligible for nomination to be a councillor. I would propose that this be limited and a fixed period of time stated.

His Honour the Chief Commissioner:

Will you suggest an amendment?

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

Yes, Sir. After the word "over" I would suggest "should have resided for not less than twelve months preceding the date of election in the area of the council concerned". I would delete "in or connected with the area of the council concerned". With regard to the word "connected", it seems to me that a person may reside elsewhere, but because of some vague connection with the locality he can claim to be eligible for election as a councillor in that area.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Sir, this section has caused us considerable difficulty in drafting. We do not wish to limit the proposal, because there have been suggestions that an even longer residential period than twelve months might be required in certain areas. With regard to the word "connected", it may happen that an area might have one of its sons working nearby, although not resident, and might wish to elect him if he could get home at week-ends, or at the end of each month, to attend council meetings; and it is for this reason that we attempted to keep this part of the Ordinance fairly wide; and also for the reason I stated previously. The actual qualifications would have to be stated in the Instrument which established the council.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I think the present Native Authority Ordinance suffers from the defect that the last speaker is trying to remedy in his second point. But if we permit a man living in place A to take part in the local affairs of B, there is no reason why he should not also wish to take part in the affairs of A, where, after all, he is residing.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Sir, the last speaker has raised a very important point. People who have qualifications in two areas will only be allowed to make use of those qualifications in one of those areas. That is ordinary local government policy in England, and although I cannot at the moment think of any part of this report which makes that statement in so many words, it is inherent in the ordinary business of local government; and it would be intolerable that someone should be able to vote in two wards of any one area. I would like to add that the words actually used in this report in section (19) have been very carefully worked out and we do intend, subject to anything the House may commend, to incorporate these actual words in the Ordinance. We wanted to make sure that it would not be merely residence that mattered. A speaker made the point this morning that even if you lived in, say Lagos, for twenty years you still felt drawn to your own home and it is for this type of man that this section was considered.

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

Sir, may I draw your attention to something which appears to me to be quite obviously inconsistent. We have had today in this House brought up the subject of British protected persons, and in this connection I would also draw attention to paragraph 14 which says "any race shall be eligible". Section (19) says "British subjects or British protected persons". One speaker went so far as to mention Macedonia, and we cannot deny them.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I should like a little clarification on the subject of people resident in Lagos being allowed by some phraseology in the Ordinance to participate in the affairs of their village somewhere, say, in the Eastern Provinces. Would their tax come to the area concerned?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

The suggestion is that people can be councillors, but there is no suggestion that they should be rate payers in that particular village or town. With regard to the last speaker but one, the question of race is very different from the question of nationality.

The Secretary (Finance), Eastern Provinces:

May I ask for an explanation, Sir, of that particular point?

There seems to me to be an obvious inconsistency between paragraph 14 and paragraph 34, section (19) at the moment.

His Honour the Chief Commissioner:

There does seem to me to be some inconsistency.

The Secretary (Finance), Eastern Provinces:

May I suggest an amendment?

His Honour the Chief Commissioner:

Is it an amendment in connection with the actual amendment which has been put forward?

The Secretary (Finance), Eastern Provinces:

The amendment I have in view deals with the qualifications of a councillor.

His Honour the Chief Commissioner:

The amendment we have at the moment is that a councillor should have resided for not less than twelve months preceding the date of election in the area of the council concerned.

The Secretary (Finance), Eastern Provinces:

May I make an amendment to an amendment? The qualifications of a councillor are identical with those of an elector and the qualifications of one are good enough for the other.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I take it that the amendment to the amendment is "councillors and electors to be"?

The Secretary (Finance), Eastern Provinces:

That is my intention.

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

I will withdraw my original amendment.

His Honour the Chief Commissioner:

This now stands as the amendment as the original amendment is withdrawn. The question is that section (19) of paragraph 34 be amended by deleting the words "councillors to be" and the following words "British subjects" down to "council concerned", and the underneath heading to be amended by the addition of the words "councillors and" before the word "electors". Those in favour say "Aye" and those to the contrary "No".

The "Ayes" have it.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

May I draw attention to paragraph 34, section (2) where it is stated that a council is authorised to lease land for seven years or

lesser period. Does the council receive the money or does it go direct into revenue?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

It is not our intention to interfere with the best price a council can get so far as land is concerned but we are concerned to prevent a council giving a ninety-nine-years lease on property and then twenty years after doing so finding themselves without any land to build offices, schools, etc.

His Honour the Chief Commissioner:

Is the Member satisfied?

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

Yes, but I am thinking more of the ownership of the land. If the council is dealing on behalf of the people in the matter of leasing, to whom does the rent go?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think perhaps the Member is not quite clear. We are talking in this particular case about land owned by the council as a body corporate, not land which it may be administering on behalf of someone else. It is the council's own property and the rent will go to the council.

The Secretary, Eastern Provinces:

Paragraph 34 sub-section (20).

While I have no quarrel with the qualification as set forth, I would point out, Sir, that this qualification is an added one to that of the Legislature. There is no such qualification for Members of Legislative Council and I think the point had better be raised now.

His Honour the Chief Commissioner:

In the Instrument surely there is such a disqualification?

The Secretary, Eastern Provinces:

Provided the candidate has not undergone a sentence of imprisonment imposed on him.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I take responsibility for this, Sir. I rather stepped out of my sphere as a legal adviser, but I put it in for, as we all know there is a large amount of corruption in this country—no more than in other countries I agree, but there is a lot. If you have a councillor who commits some offence he is then disqualified from being a councillor for five years. Under the Order in Council under which we are sitting here today, if you commit an offence and suffer the penalty, you can sit again (apart from the penalty of death). Members cannot make anything out of being Members of this House, but if you are a Member of a local or district council, or

even county council, you can very well make a great deal of money out of it, and I wanted to make sure that no corrupt person could five years later come back and be re-elected after he had paid his fine of £25, and carry on again with his corrupt practices. This is the sole reason for introducing this section into the memorandum.

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

As this section stands there is no distinction made between corruption and any other offence. It is very general. It is quite possible that a councillor may go to prison for some other offence.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I would like to say, Sir, that I have heard a lot of discussion on this point, and the suggestion has been made frequently that a person who has served a term of imprisonment should thereafter be disqualified from serving. It is not the practice under the constitutional instrument, but it has been put forward very strongly in a large number of meetings I have attended.

The Secretary, Eastern Provinces:

I do not feel very strongly about it.

His Honour the Chief Commissioner:

Does any Member wish to propose an amendment? No. Then we will proceed.

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

I would refer back to section (19) about the question of age. It mentions people of twenty-one years of age. If we are considering such towns as Lagos, Port Harcourt and Aba, this may apply, but when we come to our own villages where we have no record of people's ages, I do not know how we are to determine this point. I know that as time goes on people will become more and more educated and there will be a register of births in every village; but if this comes into force next year, I wonder what we are going to do about people who may be eligible to vote but whose ages we do not know.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I would call the Member's attention to (19) (b) "within other areas". It will be taxpayers or other classes of person as provided in the Instrument. This is in recognition of the fact that we cannot lay down an age qualification, except in areas such as Port Harcourt and Aba.

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

If we restrict it to taxpayers, what will happen in the case of women?

The Secretary (Finance), Eastern Provinces:

Other classes of persons.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

We drew this section up and put in "taxpayers or other classes of persons" so that the "other classes of persons" could include women in the area concerned if local enquiry established that that was desirable. It is very widely drawn.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

I notice that there is no provision made in sub-section 20 for continued absence from meetings being a ground for disqualification. Is there any reason for not making this a reason?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I am to blame, Sir. In the last meeting I promised that I would have a list made out of disqualifications and I have it here. It has not yet been circulated to Members, but it contains a provision for being absent. There are three omissions actually in the memorandum. One is death; one is being a lunatic and the third one is being absent, and it is, I think, for three consecutive meetings without permission of the chairman and that no meeting of a committee should count as a meeting of the council. That will be in the draft Bill and it is, I submit, a matter of considerable detail and need not detain us here. I do assure my learned friend that it will be there and fully covered.

His Honour the Chief Commissioner:

Will the Member accept that?

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

Yes, Sir.

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

I would like to refer to paragraph 34 (9). I should like to know whether it is envisaged for power to be conveyed under the Instrument for each council to appoint their own chairman and vice-chairman. During discussions, Members had agreed that every council should be free to choose their own chairman without reference to any outside body.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The word "empower" used in this section was to cover the contingency that a particular person might be appointed a chairman under the Instrument. There is the possibility that in some areas

the people may want a traditional head to be chairman of a council and they may, during the course of the enquiry, make this recommendation. It can then be provided in the Instrument that he shall be *ex-officio* chairman of the council for that particular area. It provides thus for a possibility that may arise in certain areas. We do not want to draw up the Ordinance in such a manner that the choice of the people in that area would be prevented from operating. It is, of course recognised, as all Members will realise, that the vast majority of councils will wish to elect their own chairmen.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, Your Honour.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Paragraph 34 sub-section 14.

We are all in agreement with this provision, Sir, but I think that in emergency cases it might be desirable for the council itself, by a resolution, to declare its session a secret session and I should like to make an amendment to say that such a course will be possible. I would make an addition at the end of the sentence of the words "and provided, further, that a council may by majority decision, declare an ordinary or emergency meeting to be a 'secret session' if the circumstances warrant it". There may be reasons of state for such a decision.

His Honour the Chief Commissioner:

Would not the words "shall be held in camera" be better? It is the terminology used. "Secret" is rather suggestive.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Section 14 covers the point. If the council wishes to exclude the Press they have only to go into committee. That, Your Honour, is the ordinary practice in England. When they wish to exclude the Press they go into committee.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Paragraph 34 sub-section 22.

I would like to draw attention, Sir, to the figure of £400 in line five of this section, and would suggest that in the interests of the more responsible and higher-paid members of the Junior Staff, this figure should be reduced to £300. I am fully aware that the principle which governs that section only applied where one is dealing with the members of the Senior Staff, but bearing in mind the fact that the emoluments of the higher-paid members of the Junior Staff of the council are less than £400, it seems to me that the sum should be reduced. I tried to convince Members before, unsuccessfully and I hope they will now be more amenable to the

suggestion. I would like to make an amendment. *Delete* £400, and *substituting* £300 therefor.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The figure of £400 was used to denote staff equivalent to the Senior Service and in order to avoid interference by the outside regional authority. It has been felt that unless a council has control of its staff it has no real autonomy, and we wish as far as possible to ensure that the vast majority of its employees are answerable to the Council and to no-one else. We hope that in due course the staff organisations and the staff committees of the councils will be able to get together and form a Whitley Council to look after staff interests, but in the meantime we feel that the need to interfere with the right of the council to engage its employees and dismiss them should be limited simply to the higher-paid staff. As is done in England, technical and specialist officers should have some right of appeal to a higher authority.

The Secretary (Finance), Eastern Provinces:

I would like to point out that £400 in a short while may be worth a great deal less and it would be better if the last speaker could devise some way of expressing what he means without talking of a fixed sum that is subject to changes in value. £400 today may signify a Junior Service post tomorrow. I am prepared to suggest as an amendment "in a key position".

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Would the House agree to leave it to the drafters of the Bill to try and devise a suitable list of officers to be named, such as treasurer, county clerk, etc.? We must be specific, and that was why a definite sum was inserted. I do suggest that if we employ such words as "in a key position" they will be open to misinterpretation and argument. The best thing we can do if we do not insert a fixed sum—and I see the great dangers of inserting a fixed sum—is to consider the provision of a list of Senior Staff by office.

The Secretary, Eastern Provinces:

May I suggest the insertion of an amendment to read as follows ". . . that the appointment and dismissal of any officer whose post shall be specified by a schedule under the Ordinance"? I gather that a schedule is contemplated and it could appear at the end of the Ordinance.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Not only one schedule, but many schedules are likely to be part of the Ordinance, so if we were to make a list, either in the section or in the form of a schedule, it would make no difference. We could leave the £400 in, with a proviso that the regional authority can make an order varying the amount.

His Honour the Chief Commissioner:

We are becoming a little involved, as we have an amendment to an amendment to an amendment now.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

My amendment is very simple. It is the insertion of the words after £400 "or such sum as may be decided by the regional authority from time to time."

The Secretary (Finance), Eastern Provinces:

I must oppose that as it is far too wide.

His Honour the Chief Commissioner:

Does the Financial Secretary wish to pursue his amendment?

The Secretary (Finance), Eastern Provinces:

My suggestion was "key staff" and the precedent has already been accepted in paragraph 17 of this report. It seems to me that it is up to those who passed section 17 to find out what is meant by "key staff". My understanding of "key staff" is quite clear.

His Honour the Chief Commissioner:

Does the Secretary wish to pursue his amendment?

The Secretary, Eastern Provinces:

If there are legal difficulties in putting in a schedule specifying these posts, there is nothing more to be said.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

It is not impracticable, but it is useless. There it is in the schedule, and unless we put in a provision that those officers can be added to or taken away, or unless we say that someone other than the legislature can increase or diminish the amount of money to make people key staff, it might just as well be left in the section.

His Honour the Chief Commissioner:

Is your amendment withdrawn?

The Secretary, Eastern Provinces:

Yes, Sir, I withdraw it.

His Honour the Chief Commissioner:

I will now put the question of the amendment to the amendment to the amendment.

The question is that section (22) of paragraph 34 should be amended by the insertion after the figure of £400 of "or such sum as may be decided upon by the regional authority from time to time". Those in favour of the amendment say "Aye" and those to the contrary "No".

The "Noes" have it.

That leaves us with the amendment to the amendment. The question is that the words "in receipt of emoluments of £400 per annum and upwards" should be deleted and the words "any officer of key staff" inserted. Those in favour of section (22) being amended in this way say "Aye" and those to the contrary "No".

The "Noes" have it.

<i>For</i>	<i>Against</i>
The First Provincial Member for the Calabar Province	The Second Provincial Member for the Calabar Province
The Member for African Commercial Interests	The Member for Educational Interests
The First Provincial Member for the Cameroons Province	The Second Provincial Member for the Owerri Province
The Deputy Director of Agriculture, Eastern Provinces	The Second Provincial Member for the Onitsha Province
The Deputy Director of Medical Services, Eastern Provinces	The Second Provincial Member for the Cameroons Province
The Secretary (Finance), Eastern Provinces	The Provincial Member for the Ogoja Province
The Secretary, Eastern Provinces	The First Provincial Member for the Owerri Province
	The First Provincial Member for the Onitsha Province
	The Member for Professional, Salaried and Wage-earning Classes
	The Resident, Cameroons Province
	The Resident, Rivers Province
	The Resident, Onitsha Province
	The Resident, Ogoja Province
	The Chief Commissioner, Eastern Provinces
<hr style="width: 10%; margin: 0 auto;"/> 7	<hr style="width: 10%; margin: 0 auto;"/> 14

His Honour the Chief Commissioner:

The result of the division is "Ayes" 7 and "Noes" 14.

The "Noes" have it.

The Secretary (Finance), Eastern Provinces:

I would like to get my mind clear, Sir. As we stand the section is unamended.

His Honour the Chief Commissioner:

No, we have now the amendment to deal with. The amendment to this section is that the figure of £400 should be deleted and the figure of £300 substituted in its place. The question is that section (22) of paragraph 34 be amended in the terms of the amendment. Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Sir, I beg to ask for a division.

DIVISION

For

The Second Provincial Member for the Calabar Province
The Member for Educational Interests
The Second Provincial Member for the Owerri Province
The First Provincial Member for the Onitsha Province
The Member for Professional, Salaried and Wage-earning Classes

Against

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 Provincial Member for the Ogoja Province
The First Provincial Member for the Owerri Province
The Member for African Commercial Interests
The First Provincial Member for the Cameroons Province
The Member for Urban Areas other than Port Harcourt
The Deputy Director of Agriculture, Eastern Provinces
The Deputy Director of Medical Services, Eastern Provinces
The Secretary (Finance), Eastern Provinces
The Resident, Cameroons Province
The Resident, Rivers Province
The Resident, Onitsha Province
The Secretary, Eastern Provinces
The Resident, Ogoja Province
The Chief Commissioner, Eastern Provinces

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17

His Honour the Chief Commissioner:

The result of the division is 17 against and 5 for.

The "Noes" have it.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Section (26) (ii).

I want to propose that the words "the District Council" be substituted for the words "the inhabitants of the district". I think the cost of such functions should be charged to the district council and not to the inhabitants in their individual capacity.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I respectfully agree that it should be district council. It was put in that form because it is not a legal document, but there is no legal machinery to make any individual pay out so much money. It will appear in the Ordinance " District Council ".

His Honour the Chief Commissioner:

Is that acceptable to the Member?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Yes, Your Honour.

The Secretary, Eastern Provinces:

Is that marked down as an amendment?

His Honour the Chief Commissioner:

It will appear in the Ordinance as " District Council ". We are not amending the document itself because it is not a legal document.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I would suggest that the amendment goes in as " cost to the inhabitants, *i.e.*, the District Council " as we want the inhabitants to realise that they may have to pay indirectly.

The Secretary (Finance), Eastern Provinces:

May I raise a point. We might possibly have the case of an established council refusing to do something, and if it refuses to do it, it can refuse to pay. I do not see anything wrong with the original wording, which empowers the county council to charge the people. If the district council refuses to pay then the charge must go back to the people who elected the disobedient body.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

The responsibility is there, but who is to pay what and when. It is a question of practical politics and the only people who can answer is the district council. Should they refuse to pay, Sir, there is a section later on whereby they can be compelled.

The Secretary (Finance), Eastern Provinces:

In other words there must be a section which can empower a county council to levy a rate on people in such circumstances. To my mind that is in order.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

The county council can very well charge the district council for the cost when the time comes, but it is the district council which collects the rates, so the county council can much more readily charge the district council than the inhabitants.

His Honour the Chief Commissioner:

Further in the document there is power to authorise the levying of a rate; that is paid to the district council who in turn pay it to the county council.

The Secretary (Finance), Eastern Provinces:

Surely a county council must be able to levy a direct rate.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

There is this point to be made, that if a district council behaves quite without responsibility, it is dissolved.

The Secretary (Finance), Eastern Provinces:

I see no reason for altering these words. It simply provides that where a district council refuses to carry out certain functions, the county council will do them, and that is what it says.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

It seems to me apparent that this applies to one function only a function in relation to public health. In an epidemic there would be no time to debate who would perform the function. But as regards other functions, I am in sympathy with the Financial Secretary.

The Secretary (Finance), Eastern Provinces:

There might well be a case of a district council refusing to obey orders during an epidemic, and in such times, Sir, there can be no question but that you must go down to the people and deal directly with them.

His Honour the Chief Commissioner:

Surely this is a question of who is the recoverer of the money in case of a county council doing a job for a district council in the nature of a health service, and the question is whether the cost is to be against the district council. There are many other ways and means of making a district council perform its functions and I do not think this section deals with authorising district councils to fulfil their functions. In the specific case of health, then the county council has the right to recovery of the money against the district council.

The Secretary (Finance), Eastern Provinces:

This section must be put in for one reason only—an emergency. It is vital to the public well being and there must be emergency powers for dealing with a refractory council. In my opinion this wording is absolutely correct.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

With the greatest respect I agree as far as the emergency is concerned. But the question is, who pays, and there is nothing of an emergency about that.

His Honour the Chief Commissioner:

I shall put the question.

The question is that sub-section (ii) of section (26) paragraph 34 be amended by deleting the words "inhabitants of the district" and substituting the words "district council". Those in favour of the amendment say "Aye" and those to the contrary "No".

The "Ayes" have it.

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

Paragraph 34 section (23).

May I suggest an amendment to section (23) by deleting "Penalty £50 or six months" I say that because under Criminal Code, an equivalent offence carries with it a penalty of about five years, and I fail to see why a person in the service of a county council should get off lightly if he commits the same offence. I suggest that either the penalty imposed by the Criminal Code be inserted or that the matter be taken up with the Attorney-General so that the definition of a public servant in the Criminal Code might include a person in the employ of a county or district council.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Sir, in one of the many schedules concerned with consequential amendments to the various Ordinances I could very easily amend the Criminal Code so as to make a "person in the public service" include a person in the employ of a local government council. I suggest therefore, Sir, as an amendment, the complete deletion of section (23). When the Bill is debated in the House all the amendments will be debated one by one and that will be one of them.

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

I do not know if the House is decided on this issue.

His Honour the Chief Commissioner:

An amendment is proposed that the whole of section (23) should be deleted.

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

I see, Sir.

His Honour the Chief Commissioner:

The question is that section (23) of paragraph 34 should be deleted. Those in favour say "Aye" and those to the contrary "No".

The "Ayes" have it.

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

Paragraph 34 section (20) sub-section (b).

May I have an explanation of section (20), sub-section (b). What is really meant by "within the previous five years before the day of election is surcharged in the amount of £100 or more"?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

In a later section of the memorandum there is provision made for a councillor or member of the staff to be surcharged by the auditors if they authorise or make any payment from council funds which is not authorised by law. There is provision made for an appeal against a surcharge of £100 or more, but should the surcharge stand against a councillor, which shows that he is hardly a fit and proper person to be serving on a council, that should then be a disqualification.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, Sir.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Paragraph 30 section (20).

Sir, whilst on section (20) I would like to call the attention of the House to sub-section (e). This sub-section is not quite the same as the English practice. It provides that any councillor shall not hold a contract from a council unless at the time he stands for election he actually notifies the electorate before the date of election that he holds such a contract. If, in these circumstances, he is elected, then he is permitted to take his seat, but he is subsequently prevented from taking on any fresh contracts. We felt it might be a good thing to go further than the English procedure, which simply provides that a councillor who has any interest in any contract shall notify the council in writing and shall not be permitted to vote on it if he is concerned, but the fact that he holds a contract under the council does not actually debar him from membership. The provision was made to guard a councillor from the charge of discrimination in the awarding of contracts. I call attention to this point because it might possibly not have been clear that this section does effectively prevent any councillor from holding contracts under the council except contracts held prior to his election and notified to the electorate.

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

Paragraph 40 section (f).

No provision is made in this section for payment for attendances at meetings.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I think "reasonable out-of-pocket expenses" will include attendances at meetings in that section.

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

I cannot accept that answer, Sir. I think "out-of-pocket expenses" means expenses incurred by a councillor during the period of a meeting.

The Secretary (Finance), Eastern Provinces:

I would point out, Sir, that loss of employment and loss of time are included as "out-of-pocket expenses".

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, Sir.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Paragraph 42 section (30).

This section provides that "subject to the approval of the Resident, maintenance of any traditional office or customary title which is fully recognised in the area". I suggest, Your Honour, that this recognition be sought at a higher level. I would suggest that for the word "Resident" we substitute "Regional authority".

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I should have thought that when it comes to considering who is a traditional authority the Resident of the Province is a very competent person. Even where a regional authority is expected to make a decision in such a matter he would naturally take the advice of the Resident. Surely it would be asking too much, Sir, of the regional authority that he should try and find out who is the traditional ruler. Personally I disagree with my friend and I think we should leave the provision as it is and rely on the Resident, as we have done in the past.

The Secretary, Eastern Provinces:

I would like to endorse the opinion of the last speaker, Sir, Residents are, after all, the local advisers of Your Honour, and as such they are thoroughly conversant with the set-up in the Provinces and are the best people to settle such questions. The paper work involved in applying to the Chief Commissioner seems to me unnecessary.

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

I feel here that a Resident is equivalent to the regional authority, as the Resident would act as an agent of the regional authority.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Existing practice is for a Chief Commissioner to approve of such recognition. I think a regional authority is in a better position to take a detached view of the matter. He has at his call the Crown Counsel. After all the Resident is in the Province and it would not always be possible for him to take a detached view if people's feelings are high on the subject, particularly where different tribes are concerned.

The Resident, Ogoja Province:

We have already given Residents considerable authority in other matters in this memorandum, and I do not think that this is such a very difficult matter for him to decide.

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

I think we are making a mountain out of a molehill. First of all we are talking about a traditional title which does exist and is of some importance. I am sure the intention is not to maintain small titles of no importance. I would suggest that the approval remain with the Resident.

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

I feel, Sir, that this is a holy ground on which no political authority should tread with his shoes on. Our traditional office or customary title is connected in many instances with our religion and I do not think there should be interference from outside. It has everything to do with our natural dignity, as such, and I support the view that the Resident should be entirely divorced from dealing with that office. In the past we have not been so articulate, but now that we have a stepping stone to self-government, then such posts or titles should have nothing to do with the Resident or District Officer or any other authority outside the indigenous authority.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Sir, in wording this section it was not intended that the Resident should interfere at all. But there may be obligations on the new local government councils to recognise certain titles or customary traditional authorities and it is possible that these may become a large political issue and be a big strain on some of the newer local government councils if they had to decide, as it were, between possible rival camps. It is not thought that this will happen in many places, but in those few Provinces where it may be possible, it might be as well to keep local politics out of local government and bring in some outside authority who could advise on the political issue. In our opinion the Resident of the Province concerned was the best person to advise the council. Another reason for suggesting the Resident was that we thought such a question

would arise at a level no higher than a district council, or possibly even lower.

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

I think too much is being read into this section. It is not a question of settling disputes but of maintaining a title.

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

I support the opinion of the speaker who said that the opinion of the Resident should not be sought. My reason is that before a person can be maintained by a Native Authority such Native Authority must first of all have agreed that he is the traditional authority. I think that the aim of Government is to refrain from interfering as far as possible in local government of the people by the people, and I think that Government should leave the people to decide for themselves whether they are to maintain a traditional authority or not.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

What we had in mind was maintenance of the traditional authority at the district level, and if that is so I would, with your permission, propose an amendment to make that quite clear.

His Honour the Chief Commissioner:

We already have one amendment which is "Regional Authority" in place of "Resident". I think we had better dispose of that first of all.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I withdraw it. I have seen how the wind is blowing. After the word "maintenance" in the second line *add* the words "by a district council" and then *strike* out the word "area" at the end of this sentence and *substitute* the word "district".

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

On this new amendment, I would say that it seems to me extremely inadvisable that we should in this memorandum tie ourselves down to any particular level. It is not known yet whether a traditional authority will be recognised in the village, district or county. That is a question which will have to be decided later on when the various areas have been formed. It seems to me that we will prejudice the issue if we attempt to define at what level a traditional authority can be maintained. I would oppose this amendment and if, later on, it is not accepted I would like to suggest something else. I would like to see it left as vague as possible. No one can tell at the moment what future action local government will take. It depends very much on the instrument which will convey authority on the district councils and how they are formed.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

There is one thing. With memories of a certain case in another region, this section will not prevent any case going to a Court, and it will only be operative when everyone in the area is prepared to subscribe their mite towards the maintenance of that particular authority. With respect, this is really only to prevent the auditors saying to local government councils that money has been paid out here where it should not have been paid out. I support my learned friend, the last speaker, in his desire to keep the section as vague as possible.

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

I have an amendment to make.

His Honour the Chief Commissioner:

We are dealing with an amendment at the moment. Is it an amendment to an amendment?

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

Yes. My amendment is to delete the words "subject to the approval of the Resident" and then read "provide for the maintenance of any traditional office or customary title which is fully recognised and so recommended by the council of the area".

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Would the Member explain to whom it is to be recommended?

His Honour the Chief Commissioner:

This is providing authority to the council. I do not quite follow the Member's amendment.

The Secretary (Finance), Eastern Provinces:

I am not clear whether this section has political or financial significance. If it is financial, it is all provided for under the financial sections. If it is purely a question of finance then it might as well be omitted here. But I am not sure whether the intention is political or not.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I would explain that the intention is financial rather than political. It is a function that has been conferred upon the local government councils and it appears here in order to make the payment without being queried by the audit when the audit is undertaken. Later in the memorandum provision is made for the submission of Estimates and presumably the Financial Secretary is referring to the fact that any item approved in those Estimates is automatically excluded from query by the audit. But in drawing up the memoran-

dum we thought it advisable to set out what functions a local government should undertake, and it was better to do this so that everyone knows what was happening rather than leave a large range of functions which the regional authority may or may not approve in the Estimates.

In the other respect, Sir, I would deal with the political side in this sense, that, as has been made clear earlier in debate today, there is a widespread feeling that some recognition of traditional authority should be made where it exists, and this is one way of doing it by enabling a traditional authority to be maintained without necessarily giving it direct powers in local government. We wish to recognise it as having a position in the community but we wish to avoid the possibility that such recognition should be made a political issue and interfere with the proper functions of local government as such, and that is why I recommend that some outside approval is required.

The Secretary (Finance), Eastern Provinces:

May I raise this issue again, Sir? If this is not political it cuts right across the control of expenditure and the control of estimates and the Resident does not come into it. If it is political, then the Resident does come in. But a reference to the financial chapter of the Native Authority Ordinance will show precisely what is required in this case.

His Honour the Chief Commissioner:

As it stands there is an amendment to an amendment and I will put the question of the amendment to the amendment, which is to provide that the section should read "provide for the maintenance of any traditional office or customary title which is fully recognised and so recommended by the council of the area".

The Secretary (Finance), Eastern Provinces:

Is it too late for me to put a further amendment? From my point of view this is absolutely fundamental. May we deal with section (30), Sir, as being entirely unnecessary in this particular part of the memorandum. I am afraid of any of the amendments going through. They give powers to the council to spend money without any control. All these financial provisions in this part are in my opinion *ultra vires* the provisions in the financial sections. I would like to make an amendment that all these sections which make specific financial provisions should be deleted from here and added as may be necessary in the financial chapter of this memorandum.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

With respect, I must object to that, Sir. It is intended here that a function does include the right to spend money and if a council, under powers conferred by the instrument, chooses to spend money, it is entitled to do so, subject to the condition laid down

later in the financial provisions, that it submits its estimates of revenue and expenditure. That is where the financial control comes in. Naturally where a function is not conferred upon it, it cannot spend money.

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

I feel, Sir, that in view of the feelings of our people in connection with traditional office or customary title, it is difficult to accept the amendment of the Financial Secretary lying down. According to what we envisage, Sir, local government is the people's government, and the people demand that traditional office and customary title should have a place in it. As representing the interests of my people, with due deference to this honourable House I suggest that this financial provision be made here according to the amendment I suggest.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

We are now discussing the amendment to the amendment to the amendment. If I understand the Financial Secretary correctly he is saying that if we leave this section as it is we might be accused of technical inefficiency. I am not objecting to it in principle, but it would lead to some confusion. As Mr Beaumont pointed out, we had definite ideas and proposals made regarding this issue during our tour and we found we had to give some assurance that the position of the traditional rulers would be maintained. But I personally would rather risk being accused of technical inefficiency than have the people say that they have been let down. If we have accepted that traditional rulers will have to play their part in the scheme of things and if we have decided, as we have, to maintain them in office, it is only proper that in the memorandum, which as Your Honour has pointed out, will be published and sent out to them for the purpose of their guidance, we should clearly indicate therein our views. For this reason only I would oppose the deletion of the whole of that section.

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

Sir, I might add that I have read the clause and cannot make any sense of it. In the first place it is assumed that whatever title or office is fully recognised in the area does not require the recognition of the council. Secondly, I do not know whether it is proposed that a council is to maintain an office holder by providing a house or giving him an allowance every year, or what. The most important thing is to allow the people to keep their traditional office or title holders. If that is done, whoever holds the office will know that he has a place in the scheme of things. It seems to me that we are repeating something which already exists and which is not interfered with.

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

I think the clause is necessary. There are places where traditional Native Authorities or customary titles exist. The people occupying these offices may not be members of local government councils and the people may wish to maintain them and give them some allowance. I think this clause is for the maintenance of such traditional authorities who may not necessarily be members of the councils. I do not see why we should not give the people some latitude to maintain the traditional authority of their choice, especially where they have learned to respect and maintain such authorities. There are places where these authorities do not exist and the matter may not crop up in such areas.

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

Sir, it would be like pulling down a house which has just received its foundations if we allow this special clause to be deleted. Definitely the people feel that they have lost a certain prestige, and it was for that reason that we assured them during our tour that the local government system would mean a restoration of that dignity and prestige which they have enjoyed in the past, and that would mean the maintenance of traditional authorities in certain areas. I fully agree that in every area where the people have agreed and have fully recognised traditional authority insofar as they are prepared to maintain it, there should be no interference whatsoever. It is only where it is requested that a traditional authority should be supported by money from outside that such interference should be possible. With regard to the Financial Secretary's point, where the expenditure in maintaining a traditional authority is high, there is no reason why it should not be queried. Insofar as the regional authority has control over estimates I think the Financial Secretary's point is covered, and I therefore urge that this clause should be retained.

The Secretary (Finance), Eastern Provinces:

Sir, I am a little astonished that some speakers have assumed that I am trying to abolish traditional authority. Secondly, I am not concerned with such things as technicalities. I am concerned with finance; it is my duty to be so concerned and give advice. I am also surprised that I got no support when I suggested that this power should not be delegated to the regional authority. I am opposed to the amendments—and only your Honour can count them—that are going to take away all control over the spending of money. As Secretary, Finance, I cannot keep quiet merely because I am misunderstood to be talking about technicalities or trying to abolish traditional office.

I am not an accountant and I am not a politician, but I say that the amendments suggested are financially wrong. They are matters for the financial provisions of the Bill. The amendments put forward mean that money could be spent without the control of anyone, and if I were a ratepayer I would object.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Does the Secretary (Finance), mean that he opposes the insertion of this clause in this particular part of the memorandum but is prepared to have it inserted in the section dealing with financial matters? It seems to me that the whole of paragraph 42 deals with finance. Are we to remove the whole section to the section dealing with financial matters? If that is what the Secretary (Finance) is alluding to, then as far as I can see, and so long as these sections are embodied in the memorandum, it does not matter where they go. Personally I cannot see what we are all fighting about, since we are all agreed that the traditional office should be maintained in districts or areas where these provisions are possible.

The Secretary (Finance), Eastern Provinces:

I could not agree more, Sir. Much of this section should in my view go in the financial provisions of the future Bill and I am perfectly prepared to leave it like that. I am not talking about whether or not there should be a traditional office but whether or not we are going, under the cloak of politics, to take away all the financial safeguards which it is intended the ratepayer should have.

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

I submit, Sir, that however strong and intelligent our Financial Secretary may be, and we are proud to have his services, he is subject to the wishes of the majority of the people who are his employers.

The Secretary, Eastern Provinces:

Sir, may I be permitted one observation. The suggestion with regard to section (30) is that it should be deleted.

His Honour the Chief Commissioner:

That is the amendment on which we are speaking.

The Secretary, Eastern Provinces:

That could apply to all sub-sections (1) to (32). It seems to me that all these sub-sections are conferring financial functions on the councils, but before these functions can be carried out they must form part and parcel of the estimates and before the estimates can be operated they must receive the approval of the regional authorities. We are not cutting across any functions whatsoever if we leave each section where it is.

The Secretary (Finance), Eastern Provinces:

Sir, I really must protest. One has only to look at section (32).

His Honour the Chief Commissioner:

But surely Members must appreciate that scope must be provided for councils to perform some functions? They cannot be limited in those functions by estimates unless you tell them before hand what they can do.

The Secretary (Finance), Eastern Provinces:

I am sorry, Sir, but I seem to be a voice crying in the wilderness and I must leave my amendment to its fate.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

I would like to add a word or two, Sir. I am not good at the English language, but surely the meaning of reform is that there must be some changes. Before European intervention we had ways and means of maintaining ourselves. The customs by which the kings and chiefs collected their rates and maintained themselves thereby differed very much from what we are now dealing with. Many years have passed and many changes have taken place and in dealing with the reform which we are now discussing we must expect other changes. We cannot go back to where we started. We cannot now tell a man to give us his cow or his woman. We must work and give service to our country if our titles are to be maintained, and I think that at the present moment all of these chiefs and people who have been given customary titles are now in the service of the country and are receiving something from Government. Surely there is no intention to maintain a traditional authority who merely sits in his house expecting the local council to supply him with a lot of money? He will have a special duty and a special position, for which he will be paid.

His Honour the Chief Commissioner:

I propose to put the question, if Members agree. It seems to have been fairly considerably discussed. The amendment to the amendment to the amendment is that section (30) of paragraph 42 should be deleted. Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Before you continue, Sir, I would like to report that the mover of the amendment to the amendment and the mover of the original amendment have compromised and I would like to read out the compromised agreement.

His Honour the Chief Commissioner:

May we have the compromise?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

After the word "title" insert the words "which is at present receiving such maintenance or which is recognised by the

unanimous vote of the local government body of the area". This would make reference to any other authority unnecessary.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Sir, in view of the fact that there is another amendment, I would suggest to my friends, the movers of this amendment, that they drop the word "unanimous" and consider substituting in its place the words "a majority vote". I am quite willing to support the amendment but I am not happy about the word "unanimous".

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

I rise to say a word about the same matter. A traditional authority is not an authority over the council but over the people of the area. If appointment of inherent authority is subjected to the unanimous approval of the council he will not get justice. There may be one or two rivals of his in the council. Since the traditional authority is an authority over the area and not over the council, if that area puts him up as their traditional authority we should accept him as such. The question of who was receiving remuneration as traditional authority in the past does not arise.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I would like to say this, that nothing in this memorandum affects in any way in law any traditional authority that exists at the moment. If anyone at the moment is in receipt of such maintenance, such receipt is not in any way affected by this Ordinance. I want to make that point quite clear. It has been suggested on two occasions today that this Ordinance is intended to remove all traditional authority. It will do nothing of the sort.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Are we going to rate everyone in an area for the support of a traditional authority over which they have no choice? What is the justice in that?

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

The question is that the traditional authority is the authority of the people and not of the council. So long as the people recognise this person as their head, well the people can maintain him.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

With whose funds will he be maintained?

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

The funds of the people. Funds created for that purpose and collected by the council. Prior to the existence of the council he was maintained by the people.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

We are all of us in agreement that traditional authorities should be maintained. The recommendation here is that those traditional authorities who are now in receipt of maintenance should continue in the same way. It is far more a financial question than a political one, and the point on which we need clarification is the financial position.

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

Surely we are dealing here only with well-known titles such as the Obi in Onitsha, as he is called and whoever holds the office. We are not dealing with lesser men who are, shall we say, just a little more important in the village than the others. It must be an office sufficiently strong to be recognised in the area as such. I maintain that much breath may be saved by removing that clause.

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

I look on this matter as a simple one. When my friend the Member for Education mentioned unanimity I felt that we must remind ourselves that there is no place in the world in which you can hope to have a unanimous vote on such a point. I would have no hesitation, however, in agreeing to a majority vote.

The Secretary (Finance), Eastern Provinces:

It seems to me that I should support this suggestion of a unanimous vote as there would certainly never be one.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

We have decided to retreat according to plan. We now propose to substitute "three-quarters majority" for "unanimous vote".

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

What about a quorum which was not a three-quarters majority?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I mean three-quarters of the whole council.

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

I understand you to mean that if the members forming a quorum were not three-quarters of the total members then the matter would not be discussed. It seems that the simplest way of obstructing discussion of this issue would be for members not to turn up. Is it three-quarters of those present or three-quarters of the council?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I think in a matter of this kind, if members were notified well in advance the people would come to attend in large numbers. As a

matter of fact in a thing like this the electorate would demand that their councillors attend to cast their vote. There is a rule about three consecutive absences and there are other safeguards.

The Second Provincial Member for the Cameroons Province (Galega, Fon of Bali):

I can see no reason why we should keep Residents out. They know a great deal about traditional authority and it would be safer to keep them in this section.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

There will undoubtedly be a great deal of argument as to who is and who is not a traditional head and I agree with the Fon of Bali that we should have a neutral judge. It is not always easy to get people to speak the truth and the Resident as a neutral judge would give a fair decision as to who is and who is not the right person to be recognised as a customary or traditional ruler.

His Honour the Chief Commissioner:

I propose to put the question. The question is that section (30) of paragraph 42 should be amended in the following terms: "provide for the maintenance of any traditional office or customary title which is at present receiving such maintenance or which is recognised by a three-quarters majority of the local government body of the area". Those in favour of the amendment say "Aye" and those to the contrary "No".

The "Ayes" have it.

I propose gentlemen that we should now adjourn, and as we are going very slowly with the work, I suggest that we resume tomorrow at 9.30 a.m. Is that the pleasure of the meeting?

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

I would suggest, Sir, 9 o'clock.

The Secretary, Eastern Provinces:

I would like to support that suggestion, Sir, 9 o'clock.

His Honour the Chief Commissioner:

At the present rate of progress it will take us some time to complete this memorandum and it may be advisable to resume at 9 o'clock tomorrow morning. The House, gentlemen, stands adjourned until 9 o'clock tomorrow morning.

ADJOURNMENT

The House adjourned at 6.15 p.m.

Debates in the Eastern House of Assembly

Saturday, 16th July, 1949

Pursuant to notice the Members of the Eastern House of Assembly met in the Garrison Hall, Enugu, at 9 a.m. on Saturday, the 16th of July, 1949.

PRESENT

OFFICIAL MEMBERS

- The Chief Commissioner, Eastern Provinces,
Commander J. G. Pyke-Nott, C.M.G., R.N.
- The Resident, Ogoja Province,
Mr P. M. Riley.
- The Secretary, Eastern Provinces,
Commander S. E. Johnson, R.N.
- The Resident, Onitsha Province,
Mr V. K. Johnson.
- The Resident, Rivers Province,
Mr L. T. Chubb.
- The Secretary (Finance), Eastern Provinces,
Mr G. B. G. Chapman.
- The Acting Resident, Cameroons Province,
Mr J. G. Mackenzie.
- The Deputy Director of Medical Services, Eastern Provinces,
Dr C. Wilson.
- The Deputy Director of Agriculture, Eastern Provinces,
Mr M. Park.
- The Acting Senior Crown Counsel, Eastern Provinces,
Mr F. E. Field.
- The Senior District Officer,
Mr S. P. L. Beaumont, (Extraordinary Member).
- The Crown Counsel,
Mr G. G. Briggs, (Extraordinary Member).

UNOFFICIAL MEMBERS

- The Member for Urban Areas other than Port Harcourt,
Reverend O. Efiog, O.B.E.
- 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 E. N. Egbuna.
- The Member for African Commercial Interests,
Mr G. H. H. O'Dwyer.
- 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 Provincial Member for the Ogoja Province,
Dr F. A. Ibiam, O.B.E.
- 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 Second Provincial Member for the Owerri Province,
Mr D. N. Achara.
- The Member for Educational Interests,
Mr A. Ikoku, O.B.E.
- The Second Provincial Member for the Calabar Province,
Mr Nyong Essien.

ABSENT

OFFICIAL MEMBERS

- The Resident, Owerri Province,
Mr J. S. Smith.
- The Resident, Calabar Province,
Mr C. J. Mayne.
- The Deputy Director of Education, Eastern Provinces,
Mr C. T. Quinn-Young.
- The Deputy Director of Public Works, Eastern Provinces,
Mr E. Wall, M.C.

UNOFFICIAL MEMBERS

- The Provincial Member for the Owerri (Rivers) Province,
Mr H. Bowari Brown, O.B.E.

PRAYERS

At the request of the President, Reverend O. Efiang, O.B.E., the Member for Urban Areas other than Port Harcourt, opened the proceedings of the House with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 15th of July, 1949, having been printed and circulated to the Members were taken as read and confirmed.

MOTIONS

His Honour the Chief Commissioner:

We will now continue the debate on the Memorandum on Local Government Policy in the Eastern Provinces.

The Member for Educational Interests (Mr A. Ikoku O.B.E.):

Paragraph 42.

In the absence of my Deputy Director I think I should raise a point which he mentioned last month. He was not satisfied with the order in which the functions are listed. One has to read far down the list before mention is made of the care of the nation's children. I have always maintained that in any development the major development is human development. Unless human development is made one of our primary objectives we shall be building a garden of Eden and neglecting Adam and Eve.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Sir, as I draft this section I shall be pleased to see that educational provisions are put first.

His Honour the Chief Commissioner:

Is that the pleasure of the House?

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I hope that these functions are not put in order of priority. If the Member for Educational Interests is asking that the matter of education should receive high priority, then I think this House should sit down and find out which should go up and which should go down. I do not think these items are listed in order of priority at all. If we are to follow this list then we must think of priority, in which case the answer of the Crown Counsel is not satisfactory.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I must support the last speaker in this matter. It was raised during the conference by the Deputy Director of Education and the

answer we had then was that there was no question at all of priority. It is just a list of functions which the various councils will be expected to undertake. The reply given to this House would indicate some priority, and I would suggest to the Crown Counsel that he gives another reply which does not indicate that only educational matters should receive early attention.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Sir, I withdraw my last answer. I will make out a fresh list and place the more important things near the top.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Not a single person in Nigeria will accept lavatories before education. I do hope, Sir, that when the Law Officers come to draft the Ordinance they will give education the priority which it deserves. Have I that assurance?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

You have.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

The emphasis should be carried to those who compose the District and County Councils.

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

Having in view the business before us, I would say that the list before us is no criterion of priority.

The Resident, Ogoja Province:

Would it not satisfy all Members if the list could be written alphabetically?

His Honour the Chief Commissioner:

As there is no formal proposal for an amendment before the House, are Members now satisfied?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

May I make one point.

His Honour the Chief Commissioner:

Unless you particularly want to propose an amendment; and then perhaps you have a complete list of priorities which can be given to the list in front of us?

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I propose an amendment that the list under that section be put in alphabetical order.

His Honour the Chief Commissioner:

The question before the House is that sub-sections (1) to (32) of paragraph 42 should be altered to appear in alphabetical order.

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

The "Ayes" have it.

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

I should like to refer to section (h) of paragraph 40. I am referring to the word "native". I should like that amended to "local".

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

We had the assurance of the drafting Law Officers yesterday that due cognisance would be taken of the terminology as far as possible.

His Honour the Chief Commissioner:

There may be some legal difficulty in this. I think the Crown Counsel should speak.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

It is one of the occasions in which, so far as I can see, we must employ the word "native" in connection with laws and customs. "Native law and custom" in this country has come to be almost a term of art. I think it would be very dangerous to try and change it in this case, but I will try to avoid the word wherever possible.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, but I do not understand why it should be difficult to have the full removal of the word "native". We have all agreed that where the word "native" comes we should substitute "local". I see no difficulty in this substitution.

His Honour the Chief Commissioner:

Crown Counsel has told us that there is difficulty from the legal aspect, but the assurance has been given that the word will be removed as much as possible from the document in its completed form. Is the Member satisfied?

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

Paragraph 45.

I think the word "lay" in the second line should be "law".

The House is in agreement.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

Sub-section 12.

I should like a definition of the words "offensive trade".

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I cannot give the legal definition of "offensive trade" and I am not sure that there is one. It means a trade which by its nature may cause offence or trouble to the inhabitants of an area. A soap factory, for instance will by the disposal of its waste affect the local water supply. It is normal for Local Authorities in other countries to be able to make regulations to control the abatement of any nuisance which may be caused to the inhabitants of an area by a particular trade, and the expression "offensive" merely means causing annoyance to the neighbourhood.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

To manufacture soap is not a trade. It is an industry. It is buying and selling.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Trade means the manufacture of an article. I do not think it is used here in the restricted sense of merely buying and selling. Trade has a wider meaning and does include manufacturing.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

I am not quite satisfied. On first reading I thought this referred to smuggling or something like that. I think it should come under the Health Ordinance.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I can only explain that this section was taken from the existing legislation of the country, as you will see from the Native Authority Ordinance and this is the actual wording. We can add the words "or industry". Would that suit?

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

I oppose the word "offensive". It might have another meaning after it has been made into law.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

With due respect, I think not. This is a power possessed already by the Native Authorities of the Eastern Region and to my knowledge there has been no trouble caused in the interpretation of this section.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

I am satisfied.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Grass fires have been added to this section. It is intended to refer to the burning of bush and to give local governments the right to make regulations to ensure that when bush fires are started for farming purposes they are kept properly under control and will not damage a neighbour's property.

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

I would like to amend section (13) (i). Instead of "prevention" I would substitute "control".

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I have no objection to the amendment. But may I ask if the Member would allow the amendment to read "for the prevention of fires and the control of grass fires"?

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

I have no objection.

His Honour the Chief Commissioner:

The question is that section (13) of paragraph 45, sub-section (i) should be amended by the insertion of the words "and the control of" between the words "fires" and "grass". Those in favour say "Aye" and those to the contrary, "No".

The "Ayes" have it.

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

Section 31.

I think this section needs clarification.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think I should first make it clear that this would be a permissive function, so that it will be for the council to whom it is allocated to decide whether it should use the powers or not. It has been widely drawn to permit the rules to apply only to certain categories of children. For some time it will not be possible to provide educational facilities in the area for all children to be compelled to attend. I can assure the Member that this is a function or power which councils will have to exercise with a considerable amount of

discretion. They naturally will not bring in a rule under this section unless they know the educational facilities are there. It has nothing at all to do with the Educational Code as such. Councils will be entitled to levy rates for educational purposes.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, Sir.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I should like to make a small amendment. I should like to insert the words "and free elementary" between "compulsory" and "education" in the first line.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I think, Your Honour, that no education can be free. We talk about it, but who is to pay for it? Sometimes it is paid for indirectly. If the children pay fees it is not "free". If the rate-payers pay, then it is free, but I think that is juggling with words.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

When talking about free education we mean the non-payment of fees but the rating of the community concerned. The parents would not pay fees, but they would still have to buy books and clothes, etc.

His Honour the Chief Commissioner:

I think the terminology "and free" in the terms of your amendment means free education, and if that is so there is no question of buying books or paying school fees. You are speaking rather against your own amendment.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

The Member for Educational Interests has suggested that the word "free" does not mean free after all. I am saying where it is free and where it is not.

His Honour the Chief Commissioner:

Is your amendment, then, that there should be free education and that the pupils should pay for nothing at all?

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

I feel that I should support what the speaker has in mind. Free and compulsory education does exist in England as such.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

The English educational vote is out of all proportion to anything which Nigeria can provide for the next twenty-five years. We must help this country to achieve what it has taken England ten thousand years (?) to achieve. We should not try to force the pace by legislation.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

The vote for education in England is something this country cannot meet for many years to come, but that money had to come from somewhere and it did not come from the skies. And it will be the same case in this country. I do not see why we should not start now doing for ourselves what we can. I should like to insert the words "free elementary education" between the words "compulsory" and "education of".

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

I support that amendment.

His Honour the Chief Commissioner:

I am not quite certain whether or not the Members appreciate the terms of that amendment. I am not certain that the Member moving the amendment does. He is confining the councils to making free any compulsory education that is instituted. This means that fees and books and everything must be paid for by the ratepayer.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Yes, Sir, I think the idea of the sentence is that where it is necessary the council has the power to make provision for it. The provision may be *in toto* by rating.

His Honour the Chief Commissioner:

I am still not certain if the Member understands the point. No council could introduce compulsory education at all by this amendment, unless it was free. You are stifling the council which may want to introduce compulsory education but at the same time wishes the scholars to pay for their books.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

If we do not use these words and merely provide for compulsory education, what about the parents of the children who can afford to pay.

His Honour the Chief Commissioner:

That is a question for the ratepayers. Councils are responsible to the ratepayers.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Assuming that in this country it is possible and desirable to have free and compulsory education, what of the financial aspect? We know that the British people are very heavily taxed so that, to a certain extent, government can afford to give to the community what they want. But we all know what tax we pay here and how reluctantly that little is paid. If we think in terms of free education we must ask ourselves where we are going to get the money to pay for it. To me it seems most unwise to add such a burden to councils which have not yet had time to find their feet. I think if we really sit down and consider the implications of the words "free and compulsory" in the section we would be quite willing to drop the word "free" and leave the decision to the councils.

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

If the section is left as it is, does it give latitude to people who wish to provide for the children in their area free education, and does it give at the same time latitude for the people in another area who only wish to pay for half the expenses of the children's education?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Such latitude is provided for in this section. It makes allowance, too, for wealthier parents to be required to pay for their children. I would urge that the clause be left as it is so that it will enable advanced councils sufficient latitude to provide practical schemes.

The First Provincial Member for the Cameroons Province (Mr J. Manga Williams, O.B.E.):

I come again to this word "compulsory". I cannot understand by what means Government is prepared to compel parents or children in this matter of education. There are so many reasons which keep children from attending schools. I know of one case in the Cameroons where a child attended school naked because his parents were too poor to dress him. In some cases school fees have been reduced to the minimum, and yet the parents have still been unable to find the little money required. Some parents are in a position to pay the fees but cannot pay for the books. One man may be able to send one or two of his children to school, but not the rest. How can he be compelled if he cannot afford to send them to

school? This is not a country like America and England where students earn their living whilst studying, so that they can pay their fees.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Well, Sir, I think we have already covered this ground. We are giving these powers only to councils which care to exercise them. It will be for the council which feels itself in a position to use these compulsory powers, to make a scheme which is practicable and workable in that area. It should try to make a scheme whereby such children whose parents cannot afford the fees are given assistance. It is a permissive measure only to be used by those councils who feel that the time has come in their area to make progress.

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

Insofar as we have been given the assurance that this will be made as wide as possible leaving it for the locality concerned to go about it in their own way. I concur. But I feel I must support the view of Mr Manga Williams that the word "compulsory" should be deleted.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I would like to add a word here for the purposes of record. We have made a real study of the cost of education, and if the present rate of tax was multiplied four times we should still not be in any way near free education. Furthermore, the days are gone for ever when the Nigerian teacher would subsist on enthusiasm and accept 7s 6d a month. I do not want anyone to think that I do not want to extend education. I do, and I am sure this ideal for the nation's children will be realised eventually.

His Honour the Chief Commissioner:

I propose to put the question. The question is that section (31) of paragraph 45 should be amended by the insertion of "of free elementary" between the words "compulsory" and "education". Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

May I ask for a division?

DIVISION

<i>For</i>	<i>Against</i>
The Second Provincial Member for the Calabar Province	The Member for Educational Interests
The Provincial Member for the Ogoja Province	The Second Provincial Member for the Owerri Province
The First Provincial Member for the Owerri Province	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 Onitsha Province
	The Member for African Commercial Interests
	The Member for Professional, Salaried and Wage-earning Classes
	The First Provincial Member for the Cameroons Province
	The Member for Urban Areas other than Port Harcourt
	The Senior Crown Counsel, Eastern Provinces
	The Deputy Director of Agriculture, Eastern Provinces
	The Deputy Director of Medical Services, Eastern Provinces
	The Secretary (Finance), Eastern Provinces
	The Resident, Cameroons Province
	The Resident, Rivers Province
	The Resident, Onitsha Province
	The Secretary, Eastern Provinces
	The Resident, Ogoja Province
	The Chief Commissioner, Eastern Provinces

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 20

His Honour the Chief Commissioner:

The result of the voting is "Ayes" 3 "Noes" 20.

The "Noes" have it.

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

Your Honour, I have a minor amendment to suggest in the same paragraph. It deals with the age of children. I suggest that "fourteen" should be changed to "sixteen" so that the amendment will read "between the ages of five and sixteen years".

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Perhaps the Member will give us the reason why he desires this change.

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

There are some children who may not be able to attain the higher classes of education and will be deprived, because of their age from continuing their studies in order to enable them to climb to the higher standards of education. The age limit has already been raised in England to sixteen.

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

I should like a clarification of "specified categories of children". Does this allow councils to extend facilities to children who for some reason are unable to take advantage of these facilities?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Yes, the use of these words is intentional, so as to make it as wide as possible.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, Sir.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

Section 25.

At the present moment the carrying of lamps appears to be restricted to certain areas over the country. It would be a backward movement to ask people to carry lamps when some people are carrying torches. I think this should be deleted, since the present Bye-law is not a universal one.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

This is again a permissive clause and it is entirely up to the council to decide whether it is necessary. The word "lamps" covers any sort of light and is not restricted to bush lights. It is a function taken from the Native Authority Ordinance and it has only been used by certain townships. However, it may be convenient in the future to make rules of this description and we may leave it to the discretion of the council to decide.

His Honour the Chief Commissioner:

Is the Member satisfied?

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

Quite satisfied.

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

Section 19.

I would like to draw attention to section (19)—“ or specified acts of cruelty to animals ”. I think this should be deleted. As it reads it might be left to the council to specify certain types of cruelty. Surely we do not intend to say that certain types of cruelty are permitted. The idea of the Ordinance should be that there must be no forms of cruelty at all.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think I can explain the intention. This, again, is taken from existing legislation. It may be that a form of cruelty is customary in an area, like tying goats on the backs of bicycles, and the council in that area may wish to draw up special rules to prohibit that particular practice. I think the existing law probably makes a specific statement on this point. I agree with the Member that “ cruelty ” would be quite sufficient, but the wording used does allow a council to make rules covering certain practices.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Insofar as the existing Ordinance provides for this. But I would say that it is out of date and I think the section should be more in keeping with the times. I would suggest that any customary cruelty to animals should be abolished. It may be customary in Nsukka, for instance, to allow horses to bleed to death, that it should not be allowed. It should not be possible for specific acts of cruelty to be carried out. In our new Ordinance we should strive, as far as possible, to remove everything which we consider to be improper, and an old Ordinance should not be taken over wholesale. Those words appear to me to be unnecessary.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

My objection to the suggestion of my learned friends is based on practical needs. If this section is limited to cruelty as such we should be obliged to define cruelty. Cruelty depends on the particular species of animal and what has been done to it. It would be much more simple for a council to make a definite bye-law of a definite nature which will be able to state what is and is not desirable. It is easier for the people

to understand legislation of that type. To use the example of my learned friend of horses bleeding to death. Some would think that cruel, but others would say the sole object is to kill the horse, and that so long as that is achieved it matters not by what means. But should a council consider that a particular method of taking life is wrong, it is up to the council to say so. After all, we have to think of the different types of people for whom we legislate. The more specific we are on this point the better and I am opposing the amendment.

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

Is not my friend aware that there is a provision for prohibiting cruelty to animals? My point is that that in itself is enough. I don't think a council should be able to say, "I don't mind you doing this, but you cannot do that". If we are going to prevent cruelty we should do so and not leave loopholes. An animal is as sensible to pain as we are, and I am forced to maintain the amendment.

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

I feel that we should leave in the phrase "specified acts of cruelty". A may think a person is being cruel and B may not. We must think also of the times when the people make sacrifices to their gods.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

There does not seem a lot of point in this discussion, because it seems to me that the words the proposer seeks to delete are inherent in the words he leaves behind.

His Honour the Chief Commissioner:

I will put the question. The question is that sub-section (1) of section (19), paragraph 45, should be amended by the deletion of the words "or specified acts of cruelty to animals". Those in favour of the amendment say "Aye" and those to the contrary "No".

I think the "Noes" have it.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

Section 15.

Section (15) Sir, "native liquor". Does illicit gin come under "native liquor"?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Native liquor is defined in the Ordinance which bears its name and does not include illicit gin.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

Is it the intention of Crown Counsel to include illicit gin?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

No. It is against the law to possess, drink or sell illicit gin. There is no need to control it when it should not be in existence.

The Member for African Commercial Interests (Mr G. H. H. O'Dwyer):

I am satisfied for the moment. But what about the distillation of gin?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

No one is allowed to distil in this country without a licence.

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

I have come across some licences issued under the Native Liquor Ordinance. I am quite in agreement regarding distillation, but I am querying the sale.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think, Sir, I can explain the position. At the moment under the Native Liquor Ordinance in townships the Local Authority issues a licence for that purpose. Outside second-class townships the Native Authority can make rules for the purpose of controlling native liquor. The idea now is to give local governments powers already possessed by the Native Authorities and to make it applicable to all areas.

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

May I suggest the omission of the word "prohibiting". I should think the power to restrict or regulate would be sufficient for the purposes of the Local Authority.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think this is, again, the sort of matter we can leave to the discretion of the council. If the section is as wide as possible its application will depend on the council.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

Yes, Sir.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):*Section 41.*

Does this section mean just to report and walk away or does it mean registration?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The section does provide for that. It also gives the council powers to draw up its own rules and make what provision it wishes for registration.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

The very fact that I have to ask the question means that that is not explicit in the section. I should like to delete the word "reported" and substitute the word "registered".

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

We are now dealing with powers which it is intended the new legislation will confer upon councils. If we make special rules in this section whereby we tie councils down to requiring the registration of births, deaths, etc., by this amendment we shall force councils, whether they have the money or not, to employ registrars to deal with this matter. It may be a simple matter in some places to register such things and in other places it may not be so easy. Some councils will be able to afford the added expenses others will not be able to find the money. I think it best to leave it to each council to decide whether it can or cannot afford registration.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

May I suggest an amendment to the amendment? I suggest we meet Mr Ikoku by making the section read: ". . . within its area to be reported to, or registered with, the Council . . .". This will bring to the notice of people reading it that registration is in contemplation in some areas.

His Honour the Chief Commissioner:

Would the Member be willing to accept the amendment to the amendment?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Crown Counsel's amendment leaves the matter open both ways. I do not really like it. I want registration right away for those who can register.

His Honour the Chief Commissioner:

Registration right away for those who can register. But your amendment means that everyone must register right away.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

If it is impossible to register right away, I see no difficulty about reporting. Those who cannot register could just report.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I do see objection to this. It has been pointed out that all these things are permissive; they are not going to operate over-night. But I should like to see "reporting" removed and "registration" inserted. If a County Council or District Council cannot have a registry office where marriages, deaths and births can be recorded, then that council is not a council at all.

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

If we confine ourselves to merely reporting, it is bound to boil down to having one particular person to whom reports should be made. If we must have some form of documentation, I think that merely reporting is most unwieldy. I support the amendment.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Need it cost anything? We are talking about children going to school from five to sixteen years. How are we going to keep track of all these dates?

His Honour the Chief Commissioner:

I will put the amendment to the House. The question is that section (41) be amended to read: "Requiring the marriage, birth or death of any persons within its area to be reported to or registered with the council or to such person as it may direct". Those in favour say "Aye" and those to the contrary "No".

I think the "Ayes" have it.

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

Paragraph 46.

May I suggest that the words "Chief Commissioner" be changed to "Regional Authority"?

The Senior District Officer. (Mr S. P. L. Beaumont, Extraordinary Member):

That is correct, Sir. It is an error in the draft.

His Honour the Chief Commissioner:

Will the Member accept that, without formal amendment?

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

I accept it, Sir.

The Second Provincial Member for the Cameroons Province (Galega, Fon of Bali):

Paragraph 34.

May I go back to paragraph 34 on page 24, Sir?

His Honour the Chief Commissioner:

I am obliged to rule that the Member is out of order. We have passed on from that part of the memorandum.

The First Provincial Member for the Onitsha Province (Mr P. E. Chukwurah):*Paragraph 55.*

Paragraph 55, Sir. May I suggest deletion of the words "the Regional Authority must have some machinery for obtaining advice about conditions on the spot"? I do not like the idea of the Regional Authority having people in the local government or members as detectives. I think government should give the local government bodies its entire confidence and trust them to be able to do only the right things for the progress of the people.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think perhaps the Member has read a little too much into the wording of this, Sir. It is not intended, of course, that any kind of detective function should be conferred. In other countries the Ministers have a large number of inspectors to keep them informed of what is going on. Here in this country we have no such ministerial inspectorate, apart from the Administrative Officer and a limited number of departmental officers, and it is essential for a regional authority to be able to obtain information on local government activities. I will use as an example an application for financial assistance. The regional authority, naturally, cannot agree right away, but requires a report from a local inspector on the financial background in connection with the particular project. It is essential that the regional authority shall have the means whereby he can obtain this information. He will, of course, have the council's statement of expenditure put up with the estimates, but he may still require other information, without which it is impossible to form a judgment.

It was decided at the conference that we would not include a clause in the memorandum which provided for the access of administrative officers to councils and to council's accounts. But this further point was not made plain. When these proposals were discussed with the central government, particularly on the financial side, it was intimated to us that they would have to insist on arrangements being made for some sort of inspectorate, and in embodying this point I am afraid we seem to have given the idea of a detective service being provided for. Members will recollect, of course, that the memorandum is being submitted to government, and I think they will consider that we should, as far as we can, meet what are the known wishes of government in this matter.

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

I would suggest that if the regional authority is the Chief Commissioner, he will be able to obtain what information he requires from the Members of the House. When a local government body has decided in a meeting upon the work to be done in an area, I think it amounts to undue interference in the autonomy of that local government body if its decisions have to receive approval from the regional authority in this manner.

The Secretary, Eastern Provinces:

As I see it, the most that is intended is to give advice, no more, and I think the question of an amendment here must be resisted.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

I see no reason why we should belabour this point. So long as the regional authority has to perform his duties, he must have guidance on these points.

His Honour the Chief Commissioner:

Is the Member satisfied?

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

I am not.

His Honour the Chief Commissioner:

If the Member is not satisfied, I suggest that he proceeds with his amendment.

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

I would like to amend this paragraph to read as follows: "While the aim should be that estimates are submitted direct by councils to the regional authority and that financial matters are dealt with directly between the regional authority and the councils, the regional authority must have some machinery in the local government council for obtaining advice about conditions on the spot".

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

That would be worse. The result would be that the regional authority would have agents in the council.

His Honour the Chief Commissioner:

Possibly the Member would wish to withdraw his amendment?

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

I do wish to do so, Sir.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

The Extraordinary Member has said that the First Provincial Member for Onitsha Province has read too deeply into this paragraph. I would say that one cannot help but read deeply into this paragraph. The first statement is that the councils would deal directly with the regional authority, and then it proceeds to say that it would have the machinery . . . To me the word "machinery" does not convey a sense of confidence. It goes on to say that he must have access to the records and accounts of the councils. I want to know by what means. Can an officer enter the office of a county council or district council and demand to see the records, or has written permission to be given? As the sentence reads here, Sir, there is some fear and distrust implied.

The Secretary, Eastern Provinces:

Is it that the last speaker objects to the words "some machinery", Sir? Is that the crux of the amendment?

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I would prefer "some arrangements for obtaining information from the councils".

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I would object to that. The section goes on to say ". . . for the purpose of scrutiny". Why not an inspectorate? If building, why not send a Public Works Department expert, and if to do with schools, why not an Education Officer? On going round the country we were given the impression that the administrative officer was going to stand by as a friend and let the country have real experience in local government. I do not care for the word "agent". It seems to be an uncomfortable word since the war and I do not like it at all. We should like to see the country given advice by technical experts, but also given real autonomy in their own affairs. We should ask government to be more generous in surrendering some of their powers.

His Honour the Chief Commissioner:

I propose that we should adjourn for ten minutes as I think we shall probably be sitting until 3 o'clock this afternoon.

The House adjourned and resumed at 11.10 a.m.

The Member for Professional, Salaried and Wage-earning Classes (Mr E. N. Egbuna):

Paragraph 55.

While on this point, I think it is only fair to point out that the arguments we have had this morning generally have been in the direction of attempting to restrict the memorandum. I think that on the whole we should agree with it and turn at this stage our critical faculties to when we come to discuss. We should be more

or less in favour of making the principles underlying it as broad as possible and to give those drafting it wide scope. All our arguments have been to restrict. I am not in favour of these restrictions.

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

I associate myself very strongly with the last speaker's observations. I do not think the language of this memorandum should be quite so specific.

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

Whilst thinking in terms of what the last two speakers have said, I still wish to raise my initial point. If this is going to be made a permanent feature of a system of local government we must know just what we have in mind. Since we know that the Bill is coming in definitely, it is not very much to our favour to accept this clause as it is.

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

I support that, and I think we should begin from the beginning to decide the whole thing. The beginning tells us what the end will be.

The Secretary, Eastern Provinces:

Sir, I should like to make one or two points clearer in this section if I can. It is the intention, Sir, that the people on the spot should advise the regional authority when advice is sought. In the reading of page 29, top line, it may be construed as meaning for the purpose of scrutiny and the tendering of advice. But the tendering of advice to whom? Not to the council but to the regional authority. It might be put like this ". . . shall have access to the records and accounts of the councils for the purpose of so advising the regional authority". That, I think, sums it up. There is no intention of scrutiny just for the sake of scrutiny. I think that every Member of this House will agree that where advice has to be given to the regional authority some sort of examination of the books must be carried out to brief the person tendering that advice. There is nothing, of course, to prevent a council from inviting say, the administrative officer, forestry officer, or other technical officer, in to advise on any matter. It is not intended that it shall be mandatory at all.

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

It is usual practice now for administrative officers to give advice on such matters and if technical officers will be giving advice in their own fields, then I do not think I shall have cause to query

this clause, but if it is intended that administrative officers shall be round local government councils to serve as agents of the regional authority to give advice in every sphere, then I do quarrel with this clause.

The Secretary, Eastern Provinces:

May I reassure the Member that where the regional authority desires technical advice he will seek technical advice from the technical officers concerned.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I would suggest that the words "must have local agents distributed throughout an area so great as the Eastern Provinces" be deleted. People would misunderstand the intention. Is it in order to make all suggestions at once?

His Honour the Chief Commissioner:

Yes it is. The full implication of them all is then available.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Then after the word "administrative" in the third line from the bottom of the page insert the words "and/or departmental"; and after the word "staff" delete the words "as agents of the regional authority". And then on page 29, first line, delete the words from "scrutiny" to "advice" and substitute the wording of the Secretary, Eastern Provinces: "advising the regional authority". My final alteration would be "shall" for "will" at the end of the first line, page 29.

(Mr Ikoku then proceeded to read the whole paragraph).

The Secretary, Eastern Provinces:

I submit, Sir, that the amendment suggested by the last speaker is acceptable.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Could this paragraph be read again as I have an amendment to make?

His Honour the Chief Commissioner:

Will you be able to place your amendment after this one has been dealt with?

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

If I may be allowed, Sir.

His Honour the Chief Commissioner:

The question is that paragraph 55 should be amended by the deletion of the words "and must have local agents distributed throughout an area so great as the Eastern Provinces" and the insertion of the words "and/or departmental" between the

words "administrative" and "staff", the deletion of the words "as agents of the regional authority", the deletion of the words "scrutiny and the tendering of advice" and the insertion of the words "advising the regional authority". Also the insertion of the word "shall" for "will" between the words "They" and "have" on the first and second lines of page 29. The question is that paragraph 55 be amended in these terms. Those in favour say "Aye" and those to the contrary "No".

The "Ayes" have it.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

May I propose an amendment, which is as follows: "Where approval of a particular proposal is envisaged, the regional authority may, by arrangement through a responsible officer, inspect the records and accounts of Councils for the purpose of advising him with respect to such a proposal. He shall have no powers to manage or control the financial relations of the Council".

His Honour the Chief Commissioner:

I am afraid you did not understand me when I asked if your amendment could come later. This amendment covers the same amendment that has already been passed by the House.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

In any case I should like to put my amendment before the House.

His Honour the Chief Commissioner:

I am afraid that is out of order. The House has already accepted the amendment. In other words, you are endeavouring to amend an amendment that has already been passed by the House. I asked particularly if your amendment affected the one that was being put to members.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I am amending the whole paragraph.

His Honour the Chief Commissioner:

Your amendment conflicts with the amendments which have just been passed.

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

May I have a clarification, Sir? The amendment was on the original paragraph as it stood. Once the House has accepted that, does not the amended paragraph assume the position of the original paragraph?

His Honour the Chief Commissioner:

Not the whole paragraph. There are certain parts of the paragraph which have been subject to amendment by the House. These parts have been accepted by the House and they are not open to further amendment. The only part of this paragraph which is now subject to amendment is that part which has not previously been amended.

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

What Parliamentary authority is there for that? I am here to learn.

His Honour the Chief Commissioner:

If a House takes a decision and the question is put that decision is recorded and cannot be upset by another one, otherwise the procedure of the House is astray.

The Secretary, Eastern Provinces:

Where there is an amendment to an amendment to an amendment, you deal with the amendment to the amendment to the amendment first, and then you go on to the amendment to the amendment, and so on. But you cannot reverse the order.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I do not wish to pursue this matter, but I am sorry because I am not satisfied with the amendment of this paragraph as it stands.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Paragraph 56.

At present audit services are provided for Native Authorities without charge and it is now proposed that local government bodies should pay at least part of the charge. Can we be sure that they will in all cases be more financially strong than the existing Native Authorities?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think I must point out that the audit service contemplated may be of such a size that it might be necessary to call upon local government bodies to contribute at least part of the cost. It is not a statement that it will be but that it is a possibility which has to be faced. This will be taken in due course by this House when considering Regional Estimates.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Shall we change the word "may" to "might" in the fifth line, Sir?

The Secretary, Eastern Provinces:

Is this a formal amendment, Sir?

His Honour the Chief Commissioner:

I will put the question to Members. I do not think they will want to debate the question as to whether "may" or "might" should stand. The question is that paragraph 56 should be amended by the substitution of the word "might" for the word "may" in the fifth line. Those in favour say "Aye" and those to the contrary "No".

The "Noes" have it.

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

Paragraph 58.

May I know what the position is at the moment regarding the sharing of tax? It says here that local council shall have no claim.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The position is that the Native Authority share of tax goes to the Native Authority which collects it.

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

Paragraph 59.

Your Honour, I should like to know how we can assess 3d in the £ on people who are not salaried men. In my own village there is hardly anyone, apart from the few holding salaried posts, whose income can be ascertained. How can this point apply to people like that.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I suggest that the Member waits until we reach discussions on rating. According to this scheme it is possible to express a rate in terms of 3d in the £, but that will all be covered later.

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

I accept the Extraordinary Member's suggestion.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Paragraph 63.

Your Honour, how does the Administrative staff propose to ensure that the terms of the Ordinance are obeyed.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

It will be done exactly as it is at the moment; it is the Direct Taxation Ordinance.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I might add, too, that the Resident has powers under that Ordinance for ensuring the manner and means by which it should be obeyed.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

There is one point here I should like to make, and it is a very important point. It will be necessary in the Ordinance to include in the definition of the word "ratepayer", not only people who actually pay rates, but persons who would pay rates were they not employees of Government. Government does not pay rates, and therefore persons living in Government quarters would not be eligible to be Councillors or to vote. But I think the House will agree that the people who live in Government tenements obviously desire to be both eligible to elect and sit on councils. It is, of course, normal for Government to make a payment in lieu of rates, but it will look strange to some Members, not used to the laws of Nigeria, to see as a definition of the word "ratepayer" "persons who pay rates and also persons who would pay rates if they were not employees of Government or local government councils".

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

Paragraph 64.

I should like some clarification of paragraph 64. I do not think the borrowing powers of the local government bodies should be confined to the Regional Development Board, as its funds are rather limited.

The Secretary (Finance), Eastern Provinces:

The last speaker is under a misapprehension. The resources of the Board are unlimited, and the Board can borrow in units of £50,000 at a time.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Paragraph 86.

In line 3 of paragraph 86 I would like to insert the words "at an ordinary meeting" after the words "members present".

His Honour the Chief Commissioner:

Is that a formal amendment?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Yes, Sir.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think the revision is made later in the memorandum in the summary of the proposals.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I accept that statement without opposition.

His Honour the Chief Commissioner:

Does the Member withdraw his amendment?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

No, Sir, the other way round.

The Secretary, Eastern Provinces:

If this is a formal amendment, I see no objection to its inclusion, Sir.

His Honour the Chief Commissioner:

I will put the question. The question is that paragraph 86 be amended by the insertion of the words "at an ordinary meeting" between the words "present" and "and" in the third line. Those in favour say "Aye" and those to the contrary "No".

The "Ayes" have it.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Paragraph 89.

Sub-section (a) of section 2 "Provided that an adult woman".

His Honour the Chief Commissioner:

Does the Member want information?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The proviso is put in to make it possible for councils which wish to rate women in their areas to do so by way of a capitation rate. At the moment women do not pay tax under the Direct Taxation Ordinance in the Region so that we cannot relate rating to their incomes. Therefore it is necessary to put in a special proviso to enable women to be taxed by another method, and the method suggested is by a flat rate per head.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

What I do not understand is that the proviso says "an adult woman who is taxable".

The Secretary, Eastern Provinces:

The Member is querying the word "taxable".

His Honour the Chief Commissioner:

That is quite in order.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Women are taxable, but not taxed.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):
Paragraph 91.

Section (iv). I think we agreed that the sum of £500 was too small and we decided on a sum of £500 for each item. Now it is £500 for all items.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I should explain that although this was agreed at the Conference, it has been pointed out from Lagos that to permit £500 under any item would, in fact, nullify prior scrutiny of the estimates. The number of items in the estimates are so considerable that to permit the transfer of £500 under anyone could lead to the complete disregard of the approved estimates. It is too wide a measure, and I think I am right in saying that this sum of up to £500 is roughly the equivalent to the power of a Resident in relation to Native Authority estimates today.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I think this sum is far too small. May I suggest that the sum of £1,500 would be more reasonable?

The Secretary, Eastern Provinces:

May I submit, Sir, that that would make a complete nonsense of the Estimates. Why prepare estimates at all if you are going to carve them into no semblance of the original.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

I do not see how the nonsense arises.

The Secretary, Eastern Provinces:

It would be a nonsense to prepare estimates at all.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I would like to call the attention of the House to an error in proviso (iii) on page 41.

In the sentence reading, "And to provide that the Regional Authority may require a District Council to . . ." the word "Local" should be substituted for "District".

His Honour the Chief Commissioner:

I think I can give the Provincial Member for Ogoja Province a clearer explanation. The object of estimates is to confine a council to spending the ratepayers' money in the way the ratepayers wish. When the estimates are prepared the ratepayers have access to those estimates and they can see exactly how their money is going to be expended. If the council has unlimited powers to transfer one

amount to another one, then the ratepayers have no guarantee that the money is going to be spent in the way shown in the estimates.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

Thank you, Sir.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):
Section (viii).

I should like to add, "copies to be made available to councillors and electors, on payment of a fee if necessary".

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):
Your Honour, it is covered by the wording of section (viii).

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):
Section (xi).

Is it necessary to take this to the Regional Authority? Why not to the Courts?

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

It has been borrowed from existing practice in England. It has been found that where small sums are concerned it may save a councillor or an employee, surcharged in a small sum, trouble and expense to make a quick administrative appeal. In England it is possible to make an appeal to the Court, but we thought here the most satisfactory way would be to fix the sum at £200 instead of £500 as in England.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I should have thought that with the multiplicity of local government bodies envisaged it would be better to go to the Courts.

The Secretary, Eastern Provinces:

Surely it is not anticipated that there will be many surcharges, Sir.

His Honour the Chief Commissioner:

Is the Member satisfied?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):
Yes, Sir.

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

I cannot understand this section, Sir.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

The part we are now considering is a summary of all the proposals made in the whole part and section (xiii) simply makes a provision

from section 55 which permits the Regional Authority to obtain advice on local conditions. This is a proposal brought from that section and summarised here.

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

Thank you, I am satisfied.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):
Paragraph 95 section (2).

I would quote from this section: "A copy of the notice shall be served on the owners of the land, if their identity and whereabouts can be ascertained; and a copy shall also be posted at the office of the council, and copies shall also be supplied to any persons applying for the same". But where we come to the point where an appeal lies with the Regional Authority we shall find that he has not been provided with a copy. I suggest that he should have one from the start.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

With respect I would suggest that he does not want to be bothered with the notice at the beginning. He merely has to give authorisation for the acquisition of the land, and he wants the document, which will include notice, description of the land and all the claims of the people who are claiming against him, and then he has the whole thing in one.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I am satisfied, Sir.

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

Paragraph 99.

I would suggest the deletion of the following: ". . . or by an administrative officer, depending on the scope and importance of the enquiry", and the insertion in the third line from the end of the paragraph after "District Council" of the word "or". I suggest the deletion of "Administrative officer" because I feel he is an adviser to the local government councils and may not be a suitable person to hold an enquiry in, perhaps, a matter on which he has advised. I would prefer the county council to hold an enquiry in a matter in which the district council is concerned, or the Regional Authority to appoint an independent board of enquiry.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I think the Member is concentrating over much on county councils or district councils. This section is put in order to enable an enquiry to be held at the request of local government electors, when the Regional Authority will naturally want some sort

of information to know what real substance there is in the complaint. It provides that in the first instance the Regional Authority will take the views of the Local Government Council concerned in the matter. It may be a matter of small importance and it may be quite convenient to use an administrative officer to conduct a local enquiry at which the objections of these local government electors could be heard at the same time that the representations of members of the county council or district council or local council were being put forward; and he would then submit recommendations to the Regional Authority. The Regional Authority would decide if and what further action is required. This part is mainly explanatory and intended to give a brief indication of the type of people who might be available to conduct an enquiry of this kind. I suggest to Members that it would be as well not to restrict the Regional Authority in this way. It seems better not to have to rely in every case upon a board or another council to do this work.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I would second the last speaker very strongly. Boards are always a nuisance and if one person can do the job, so much the better. This section has been rather misread, because it obviously would not be politic or even sensible to appoint an administrative officer to conduct an enquiry into something in which he has already had a finger. Naturally, it would be someone from outside.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I would like to have this section amended. I opposed very strongly an enquiry by a county council, because we emphasised very strongly during our conference that we did not want a hierarchical arrangement but a horizontal one. I should not like to see a county council appointed to enquire into a complaint against a district council. I would rather move that the county council be left out of it altogether and the Regional Authority left free to appoint a board of enquiry or an administrative officer, as he thinks fit. The district council is related to the county council and members of one may be in the other. In any case, county councils will not be entirely detached and disinterested, and I think they should be left out of an enquiry.

His Honour the Chief Commissioner:

I think the First Provincial Member for the Onitsha Province proposed an amendment and a reply was made. I am not certain whether or not the Member is satisfied with the reply.

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

Yes, Sir, I am satisfied, since an administrative officer who has had an opinion on a matter will not be called upon to advise the Regional Authority.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

I suggest that Members turn over the page to section (d). Paragraph 99 is mainly explanatory and I thought it might be useful to have some indication of the persons or bodies who might possibly undertake enquiries, as it was a new provision inserted since the last conference. I regret to say that it was omitted from the draft Memorandum and my attention was later directed to the fact that this proposal had been put to us during the course of our tour.

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

I support the Member for Educational Interests. I should like to add "a board of enquiry, which should include a district officer". I think this is an amendment to an amendment.

His Honour the Chief Commissioner:

Does the Member wish to propose an amendment?

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

Yes, Sir.

His Honour the Chief Commissioner:

Then would you give your amendment in a formal manner.

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

Starting from the third line from the bottom of section 99 "or by a board of enquiry with a District Officer".

His Honour the Chief Commissioner:

What is your actual amendment?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

He is supporting me, so that I can give you the amendment.

His Honour the Chief Commissioner:

You have not yet proposed a formal amendment.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Yes, Sir, it is this. After the words "conducted by" in the fourth line from the bottom delete the words from "county councils" to "district council" in the third line from the bottom.

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

In order to know which party I should side with, I should like to know the reason why county councils should be deleted.

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I have already explained that it would be difficult for a county council to be quite detached. Therefore they should not be appointed

as a board of enquiry, as from the start it can be assumed that they are an interested body.

His Honour the Chief Commissioner:

I propose to put the question.

The Resident, Onitsha Province:

But surely this matter is entirely at the discretion of the Regional Authority.

The Secretary, Eastern Provinces:

There can be no objection to the amendment by my friend the speaker before last, Sir.

His Honour the Chief Commissioner:

I will put the question. The question is that the second part of paragraph 99 be amended by the deletion of the words "county councils in the case of complaints against the conduct of a district council, by". Those in favour of the amendment say "Aye" and those to the contrary "No".

The "Ayes" have it.

The Senior District Officer (Mr S. P. L. Beaumont, Extraordinary Member):

Paragraph 100 section (b).

I would like to call the attention of the House to page 46. In the first line of section (d) "member" should really be "number".

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

I should like to suggest a proviso to section (e)—delegation of powers. The powers under 99 and 100 (a), (b), (c) and (d) should in my opinion not be delegated but should be left in the hands of the Regional Authority.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Your Honour, I support that.

His Honour the Chief Commissioner:

Will the Member propose an amendment?

The Member for Educational Interests (Mr A. Ikoku, O.B.E.):

Yes, I would suggest that the following words be added after the word "council" at the end of section (e): "provided that the special powers conferred upon the Regional Authority by PART X of this Memorandum shall not be delegated".

His Honour the Chief Commissioner:

The question is that section (e) of paragraph 100 be amended by adding after the word "council" "provided that the special powers conferred upon the Regional Authority by PART X of this Memorandum shall not be delegated". Those in favour say "Aye" and those to the contrary "No".

The "Ayes" have it.

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

Paragraph 101 section (4).

I should like to know whether the word "property" there includes money.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

Yes, Sir, it does.

His Honour the Chief Commissioner:

The House will now resume.

The Secretary, Eastern Provinces:

Sir, I beg to report that the Memorandum on Local Government Policy in the Eastern Provinces passed through Committee with twelve amendments. Sir, in assessing these amendments I have not included alterations which have been made without formal amendment.

His Honour the Chief Commissioner:

The question before the House is that the motion in these terms be debated. Those in favour say "Aye" and those to the contrary "No".

The "Ayes" have it.

The Secretary, Eastern Provinces:

Sir, now that we have got to this stage of the proceedings we can see our way more clearly, and I would remind the House that there are two Committee meetings that have to be finished. One is the Finance Committee and the other the Committee on Land Tenure. The proposal is that both these meetings take place on Monday. I was wondering whether you could get the opinion of the House as to whether one should take place in the morning and one in the afternoon, and, if that is acceptable, what times.

His Honour the Chief Commissioner:

What is the pleasure of the House?

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

I would suggest the Finance Committee in the morning.

His Honour the Chief Commissioner:

Is that the pleasure of Members? And the time would be . . . ?

Several Members:

10 o'clock.

The Provincial Member for the Ogoja Province (Dr F. A. Ibiam, O.B.E.):

May I suggest 9 o'clock, in view of the meeting in the afternoon?

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

As soon as Members have finished with the Finance Committee they will find both Mr Palmer and myself at their convenience.

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

Yes, that would be very suitable. As soon as we have finished the Finance Committee, we can carry on with the next.

The Crown Counsel (Mr G. G. Briggs, Extraordinary Member):

I will inform Mr Palmer.

It was decided that the Finance Committee should begin at 10 o'clock.

The Secretary, Eastern Provinces:

If I may beg the indulgence of the House, I would remind Members that the Regional Conference will take place on Tuesday, 19th July, in this hall at 10 o'clock.

His Honour the Chief Commissioner:

Before adjourning *sine die*, I should like to congratulate Members on the way they have put through this Memorandum on Local Government Reform. I hope that we shall be able to keep to the programme which we originally made eight months ago, that is to say, that legislation would be before the Budget Session of Legislative Council here in Enugu next March. At the same time I think you will all wish me to offer our thanks again to the Commanding Officer and all ranks of the 6th Battalion of the Nigeria Regiment for kindly allowing us to use this building, and also for the use of the building for the Regional Conference which will start on the 19th.

I will adjourn the House now, *sine die*.

ADJOURNMENT

The House adjourned at 12.35 p.m.