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DEBATES

IN THE

LEGISLATIVE COUNCIL

NIGERIA

Friday, 1st February 1929.

Pursuant to Notice the Honourable the Members of the Legislative Council met at the Council Chamber at 10. A.M. on Friday, 1st February, 1929.

PRESENT:—

The Officer Administering the Government,
His Excellency Sir Frank Buxton, Kt., C.M.G.

The Acting Chief Secretary to the Government,
The Honourable Mr. J. C. Howard.

His Honour Mr. H. C. Cameron, C.M.G., D.S.O.

The Acting Lieutenant-Governor, Southern Provinces,
His Honour Captain W. Buchanan Smith, M.C.

The Acting Attorney-General,
The Honourable Mr. J. C. Howard.

The Commandant,
The Honourable Col. W. B. Greenwell, D.S.O.

The Acting Director of Medical and Sanitary Service,
The Honourable Dr. G. J. Pirie.

The Treasurer,
The Honourable Mr. C. W. Leese.

The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.

The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.

The Acting Secretary for Native Affairs,
The Honourable Mr. W. Morgan.

The Senior Resident, Niger Province,
The Honourable Mr. J. C. C. P. Sciortino.

The Senior Resident, Plateau Province,
The Honourable Capt. P. Lonsdale.

The Senior Resident, Zaria Province,
The Honourable Mr. E. H. B. Laing.

The Resident, Calabar Province,
The Honourable Mr. E. M. Falk.

The Acting Secretary, Southern Provinces,
The Honourable Mr. H. B. Butler.

His Excellency: Before we proceed any further, I should like to mention for the information of Honourable Members, that in a private letter received from Home yesterday you will be glad to learn it contained the news that the Governor is making very satisfactory progress indeed. (Applause.)

PAPERS LAID.

His Excellency: I lay on the table Sessional Paper No. 1 of 1929 which is my Address to the Legislative Council.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Would I be in order, Sir, in referring to your Address and pointing out what I think is a error, and a very serious error from the point of view of certain unofficial members? I am certain it is a pure mistake that it is in the Address, but I have been asked to draw attention to it.

His Excellency: You can point it out now or later on when you make your speech on the second reading of the Supply Bill. I think it would be better perhaps if you will leave it until the second reading of the Bill.

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

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

Sessional Paper No. 34 of 1928, Report on the Harbours of Nigeria.

Sessional Paper No. 2 of 1929; Proposals for improving the quality of goatskins.

Sessional Paper No. 3 of 1929, Plague Report.

Sessional Paper No. 4 of 1929. Memorandum on the Advisory Committee on Native Education.

Supplementary Estimates, 1928-29 (Third Quarter).

Draft Estimates, 1929-30.

Memorandum on the Draft Estimates, 1929-30.

QUESTIONS.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

1. To ask whether it is true that there are districts in the Protectorate where the holding of slaves is not an offence by law? If so,

(b) To ask for statistics of the number of slaves still in bondage, and the district or districts in which they are so held?

(c) What is the justification, equity or expediency, for its existence? and

(d) How much longer is the institution to be allowed to continue?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The law with regard to slavery is contained in section 369 of the Criminal Code (Chapter 21 of the Laws of Nigeria) and the Slavery Ordinance (Chapter 83 of the Laws of Nigeria). By virtue of section 2 of the latter Ordinance the legal status of slavery was abolished throughout the Protectorate. In these circumstances "the holding of slaves" is not recognised by the laws of Nigeria. (b) (c) and (d). In view of the reply already given, the questions asked in these parts do not arise.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

Your Excellency, arising from the reply of the Honourable the Acting Attorney-General may I ask whether the Handbook, compiled and published as coming from the authority of Government is not to be relied upon?

THE HON. THE ACTING ATTORNEY-GENERAL:—

Your Excellency, I am afraid, unlike the Honourable Member, I cannot carry in my own brain the details of what is entered in the Handbook, but if the Honourable Member will give me the number of the page after this meeting is over, I will look to see what

indication there may be in the Handbook as to what the law as regards slavery is. Perhaps it does not represent exactly what the position is.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

I will do so.

His Excellency: Before we go on, I should like to draw the attention of Honourable Members to the fact that I have been compelled to disallow a number of questions put in for this meeting. I should just like to say that I am under no obligation to give reasons for these disallowances, but I think it is only fair to remind some Honourable Members what exactly questions are for. A question is intended to ask for information, and if it does so, it is the duty of the Government, however inconvenient it may be, to answer it, and the Government always will answer it and must answer it to the best of their ability. But when a question is put in the form not of asking for information, but of giving information, and makes statements of fact without any proof whatever, and still further, when it imputes to Government or its officers such things as injustice or inequity, then it is quite out of order. This is quite apparent from the small pamphlet which I gave to every member of this Council some time ago, and questions of this nature must and will be disallowed.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

2. To ask whether it is not a fact that has been admitted on oath before one of His Majesty's Judges of the Supreme Court of the Colony, that the pawning of human beings as a commercial enterprise, or for commercial values, still obtains in some parts of the Protectorate?

(b) *Disallowed.*

THE HON. THE ACTING ATTORNEY-GENERAL:—

I regret that on the information supplied in this question I am unable to reply. If the Honourable Member will give the name of the person making the admission and number of the case together with the name of the Judge in question, I will endeavour to obtain the record and discover whether such person made the statement, which has been attributed to him.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

3. To ask how many persons have been sentenced to death in Nigeria (1) by the Native Courts, and (2) by the Provincial Courts, during the five years ended December 1928?

(b) How many were actually executed under the sentences of these Courts?

(c) Whether it is not a fact that all these cases were tried without counsel and sentenced by Judges sitting without jury?

(d) *Disallowed.*

(e) *Disallowed.*

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

(a) 1. Sixty-eight persons.
2. Three hundred and eighty persons.

(b) 1. Fifty persons.
2. Two hundred and sixty-three persons.

(c) The answer is in the affirmative.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

4. In view of the fact that every native tribunal has full jurisdiction and power in all civil cases in which each of the parties is a native, and in all criminal cases in which each of the parties is a native, to ask whether there is any right of appeal from the Native Appeal Court to the Supreme Court of Nigeria?

(b) *Disallowed.*

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

The facts are not as stated in the question. The full jurisdiction is limited in the case of each Court to the extent set forth in its warrant. There is no appeal from a Native Appeal Court to the Supreme Court of Nigeria.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

5. In view of the fact that a native tribunal in the Protectorate may permit certain persons, *viz.*: wife, husband, guardian, servant, master, etc., of a household of any plaintiff or defendant, who shall give satisfactory proof thereof to appear for such plaintiff or defendant, to ask for a statement setting out the reason, or reasons, against the appearance of a legal practitioner in such native tribunal? And

(b) Whether the legislature contemplates interdicting from appearing in such native tribunal any such person as mentioned above who may also be a legal practitioner?

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

The reason is these tribunals have been established for the purpose of administering Native Law and Custom, which is understood by the people. The appearance of legal practitioners on behalf of plaintiff or defendant is foreign to Native Law and Custom, and would have the inevitable result of breaking down Native Law and Customs, and of substituting a parody of English law and English legal procedure.

(b) Any person who is a legal practitioner is debarred from appearing or acting for any party before a native tribunal by section 20 of the Native Courts Ordinance.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

6. To ask whether Native Administration accounts of expenditure are being subjected to any system of audit? If so,

(b) Whether it is not a fact that the officers who are responsible for the expenditure are themselves the auditors? And

(c) Whether the latest reports of such audits could be made available for the purpose of laying them on the table for the information of Honourable Members?

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

Yes, one of the principal duties of Administrative Officers is to keep a close check upon the Native Administration Revenue and Expenditure.

(b) The audit of Native Administration accounts is made by Administrative Officers under the supervision of the Resident. The extent to which these officers are directly responsible for Native Administration expenditure varies with the degree of advancement of the Native Administration concerned.

(c) No. The Government does not consider that the time is yet ripe for formal audit of Native Administration accounts, but the question of appointing an Examiner of Native Administration accounts for the Southern Provinces—an appointment which has been approved for the Northern Provinces—will receive the consideration of Government in due course.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

7. *Disallowed.*

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

8. *Disallowed.*

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

9. *Disallowed.*

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

10. To ask whether the Honourable the Administrator of the Colony has had occasion to assess, for the purpose of income-tax, the income of any individual at a higher rate than what the individual himself declared? If so,

(b) To ask on what basis of calculation has the higher rate been assessed, and how is the assessment being justified?

THE HON. THE ACTING ADMINISTRATOR OF THE COLONY:—

The answer to the first part of the question is in the affirmative.

(b) The Administrator bases his calculation on the information at his disposal.

Up to date there have been no appeals from his assessment.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

11. To ask for a detailed statement of the duties performed, or expected to be performed, by the undermentioned officials in their respective private residences during or outside official hours, for the due performance of which telephones have been installed and are being maintained in these private residences at public expense, over and above the installations in the offices of the officials? Namely,

1. The Government Auditor.
2. The Government Deputy-Auditor.
3. The Director of Education.
4. The Deputy Director of Education.
5. The Assistant Director of Education.
6. The Commissioner of Lands.
7. The Personal Assistant to the Director of Marine.
8. The Deputy Director of Public Works.
9. The Assistant Director of Public Works.
10. The Chief Inspector, Public Works Department.
11. The Mechanical Engineer, Public Works Department.
12. The Surveyor-General.
13. The Deputy Surveyor-General.
14. The Assistant Surveyor-General.
15. The Senior Assistant Treasurer.
16. The Deputy General Manager, Railway.
17. The Assistant to the General Manager, Railway.
18. The Senior Assistant Auditor, Railway.
19. The Paymaster, Railway.
20. The Senior Accountant, Railway.
21. The Postmaster-General.
22. The Deputy Postmaster-General.
23. The Chief Accountant, Posts and Telegraphs.
24. The Engineer-in-Chief, Posts and Telegraphs.
25. The Government Printer.

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

It is not possible to say in detail what duties are expected to be performed in their houses by the officials named. Telephones have hitherto been approved because Heads of Departments have represented that matters of urgency arise outside office hours which require immediate attention. The Government has had under consideration the question whether some of these telephones cannot be cut out and intends to submit the list to the closest scrutiny.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

12. To ask whether any enquiry has been held since complaints about the bed, bedding, clothing, accommodation, or treatment, of patients in the I.D. Hospital, Ikoyi, were lodged last month in the office of the Honourable the Administrator? If so,

(b) To ask who were the members of the commission that held the enquiry?

(c) Whether Government will not make a statement of the true condition of affairs, prior to, and as revealed by the enquiry?

(d) What changes, if any, was it found necessary to make as the outcome of the enquiry? And

(e) How do the conditions obtaining at the present time compare with those that obtained at the time of the complaints?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

Yes; after reading the statement as reported in the *Daily Times* of 28th December, 1928, of an interview between the Administrator and a deputation of the Lagos people the Acting Director of the Medical and Sanitary Service made personal enquiries at the Infectious Diseases Hospital.

(b) No Commission was appointed but departmental enquiries were made by the Acting Director of the Medical and Sanitary Service, the Acting Deputy Director of the Sanitary Service and the Assistant Medical Officer of Health, Lagos.

(c) The enquiry did not reveal that the conditions described by the deputation existed prior to the enquiry.

(d) No changes have been made with regard to patients. But in the case of contacts it has been arranged that their personal clothing after disinfection shall be returned to them immediately.

(e) The conditions are the same except for the alteration with respect to the clothing of contacts referred to in (d).

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

13. To ask whether Government is entertaining any intention of removing the constabulary force of Lagos from its present control and of placing it under that of the Lagos Town Council?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

The reply is in the negative.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

14. To ask how many persons have been convicted and sentenced in the Supreme Court of Nigeria (1) for perjury, and (2) for contempt of Court, during the four years ended December, 1928?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

As far as can be ascertained in the short time available, during the four years ended December, 1928, twenty persons have been convicted and sentenced for perjury and eight persons for contempt of Court in the Supreme Court of Nigeria.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

15. To ask whether it is true that Dr. Olusoga, M.B., Ch.B. (Edinburgh) was arrested at Ijebu Ode in October or November last year, that bail was refused, and that no charge was preferred against him until he had been in the lock-up for four days?

(b) *Disallowed.*

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

The accused was arrested in the afternoon of the 2nd of November on a charge of being an accessory after the fact to murder and in view of the nature of the charge bail was refused.

It is not true that Dr. Olusoga was imprisoned for four days without a charge being preferred against him. The charge was explained to him immediately after his arrest and after receiving a caution he elected to make a statement which was taken down in writing and signed by him. The case was proceeded with on the following day.

The second part of the question is disallowed.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

16. The importation of kola nuts into Nigeria being practically for the purpose of consumption as foodstuff, to ask whether Government will not consider the necessity of bringing that commodity into line with the other foodstuffs by placing it in the schedule of duty-free goods?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

Kola nuts being in the nature of a luxury rather than of a foodstuff, Government is not prepared to make any alteration in the Import Duty. The Honourable Member is referred to the reply to a similar question asked by him at the Second Session of Legislative Council on 16th October, 1924.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

17. To ask whether it is a fact that vernacular education experimented upon by Government in the Northern Provinces these many years has not been a success?

(b) Whether Government will give some indication of the extent to which pupils, who have been trained in Hausa in accordance with this experiment, have in after years been of service in the clerical departments of Government or to the mercantile houses?

HIS HONOUR THE LIEUTENANT-GOVERNOR, NORTHERN PROVINCES:—

The answer to the first part of the question is in the negative.

(b) In regard to the second part, of 1,816 boys who left school during the years 1923 to 1927 twelve are employed in clerical work under Government or in mercantile houses, eighty occupy non-clerical Government posts and 713 are in the employment of Native Administrations.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

18. To ask whether it is not a fact that in the schools in the interior of the Yoruba country the education, before the new Code was introduced, used to be bi-lingual throughout?

(b) That Yoruba used to be taught in the Infant Department, where the children began with the First Yoruba Reader; that they then learnt the English alphabet, and continued with the Second Yoruba Reader; that when they were promoted to the Primary Department they began with Standard I (English), and continued with the Third Yoruba Reader; and so on?

(c) Whether such a system if encouraged and, if necessary, improved upon on the same lines, is ever likely to prejudice the vernacular as a medium of instruction in the schools?

(d) If so, how?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

Although the general scheme of instruction suggested in part (a) of the question was in force in some schools, of the Yoruba country, it was by no means general in all. A study of the syllabus for elementary schools given in the Education Code (Colony and Southern Provinces) should convince the Honourable Member that where instruction in English is available the system suggested in parts (b) and (c) of his question is "encouraged and improved upon." Such a system does not prejudice the use of a vernacular as a medium of instruction.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

19. English being the official as well as the commercial language in Nigeria, and as practically all the books used in the life-long education of a child are written in English, to ask whether it will not be in the best interests of the child to begin the learning

Experienced educationists in this and other parts of the Empire have come to the definite conclusion that the first instruction given to small children should wherever possible be in the language used in their own homes. As an example the attention of the Honourable Member is drawn to elementary schools in Wales, where the infant classes are taught in Welsh and not in English. It is considered to be in the best interests of the child that instruction in English should be commenced in the Primary Department.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

20. To ask whether it is a fact that the installation of electric light is on a more technical basis, and therefore safer, in some parts of the town than in others?

(b) Whether it is true that some houses are connected with main-lines by means of insulated wires, whereas in other houses, ordinary bare wires are used? If so, and in view of the loss of life that has occurred, or may occur, especially in the breaking of over-head wires, to ask whether steps may not be taken to minimise as far as possible the chances of any such danger?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

There is no difference in the technical basis of the supply to any part of the town. The whole distribution was completely changed over to the more up-to-date system in November, 1927.

(b) Under certain conditions the outside service wires of some houses are insulated; but generally speaking insulation is undesirable unless absolutely necessary as, if exposed to weather it is liable to deteriorate rapidly and so give a false sense of security.

In order to minimise the possibility of wires breaking, a much heavier gauge is used than is electrically necessary; further alterations to the distribution and to service wires are to be carried out which will minimise the chances of a wire being electrically dangerous in the event of it falling, and will give all reasonable protection from danger of shock from service wires.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

21. To ask whether Government will state, for the information of Honourable Members, the number of courts with concurrent jurisdiction to function in places like Kaduna, Ibadan, Warri, Benin, etc.?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

In such parts of Kaduna, Ibadan, Warri and Benin as have been declared to be Supreme Court areas the Supreme Court and Native Court exercise concurrent jurisdiction subject to the limitations imposed by section 9 of the Native Courts Ordinance. In such other parts, if any, of those places aforementioned the Provincial Court and the Native Court exercise concurrent jurisdiction subject to the limitations imposed by section 9 of the Native Courts Ordinance.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

22. In view of the large and increasing number of legal practitioners (African) in the Colony, to ask whether there is any objection to the opening of the Legal, Judicial, or Administrative Department of the Civil Service to applicants in this branch of the profession? If so,

(b) Whether Government will give a clear indication of this objection?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

The reply to the first part of the question is in the negative. In this connexion, the attention of the Honourable Member is invited to the replies to two similar questions given at meetings of this Council held on the 11th February, 1924 and the 3rd August, 1927, to which Government has nothing to add. The text of the replies will be found in the printed Debates, in the case of the former at pages 36 to 37 of the First Session, 1924 and in the case of the latter at page 6 of the Fifth Session, 1927.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

23. To ask whether there are any Service Regulations for Europeans on lines similar in principle to those under which Drs. Manuwa and Savage are engaged?

(b) *Disallowed.*

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

The Service Regulations under which Drs. Manuwa and Savage are engaged are of the nature of an agreement covering a period of two years. No similar Service Regulations exist for Europeans. These agreements provide special advantages for newly-qualified African Medical Officers to gain clinical experience at Government expense at the larger hospitals in Nigeria, experience which newly-qualified Europeans invariably acquire, mainly at their own expense, at hospitals in Great Britain before joining the West African Medical Service.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

24. To ask how often have the district courts of Lagos had to suspend sittings through temporary absence of the Police Magistrates, from illness or any other cause, during the years 1926, 1927 and 1928?

(b) Whether the temporary absence is not causing such hardship to the community as to call for the consideration by Government of the advisability of creating Justices of Peace for the municipal area of the town with power to sit on the bench whenever occasion arises?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

On three business days in 1926, on eight business days in 1927, and on six business days in 1928 no Police Magistrate sat at the Saint Anna Court. On each occasion a notice was sent to the Police and posted at the Court House.

On only one business day during the three years has no Police Magistrate sat at the Ebute Metta Court. This was by a special arrangement made by the Chief Justice after long notice and no cases were fixed for trial on that day.

(b) As on all these occasions the Court offices have been open for the transaction of all business and a Magistrate has been available to sign any urgent papers, to remand prisoners or to grant bail, no hardship was caused to the community and as little inconvenience as possible was caused to litigants. The Government is pleased to note the Honourable Member advocates the creation of Justices of the Peace, which is a matter that is engaging the attention of Government.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

25. To ask how many houses have been demolished in connection with anti-plague measures up to December, 1928?

(b) Whether the demolitions were in every instance by the order of the Court?

(c) *Disallowed.*

THE HON. THE ACTING DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

Up to 31st December, 1928, 221 houses were demolished in connection with anti-plague measures. This total includes ninety-seven houses demolished in Abeokuta Province, the remaining 124 demolitions being in Lagos.

(b) The answer is in the negative.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

what is the aggregate amount of compensation money paid up to December, 1928?

(c) Whether owners are still receiving compensation?

Disallowed.

(d) *Disallowed.*

THE HON. THE ACTING DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

Yes.

(b) 102 owners in Lagos received compensation totalling £11,796 13s. 8d. in respect of demolition of ninety-nine properties in Lagos up to 31st December, 1928.

In the case of Abeokuta Province the number of owners compensated is not known but up to the end of 1928, a total of £353 was paid to Abeokuta Native Administration for distribution among owners whose properties were demolished.

(c) No. Houses are now being demolished when they are in such a gross insanitary state as to constitute nuisances under section 7 of the Public Health Ordinance, and then only when the sole means of abating the nuisance is demolition.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

27. To ask for a comparative statement of (1) the provisional estimate, and (2) the actual revenue, for the nine months ended December, 1928, for the houses erected by Government in the Yaba Settlement?

(b) The number of houses in the Settlement; the number unoccupied; and the amount of arrears of rent due at the end of December, 1928?

THE HON. THE COMMISSIONER OF LANDS:—

There were no houses erected by Government in the Yaba Settlement but there were eighty-four houses erected by the Town Council. The total rent roll for the nine months ended December, 1928, if all these houses were occupied would be £1,639 15s. The actual receipts were £259 8s. 6d.

(b) As stated there are eighty-four houses erected by the Town Council and the number unoccupied on 31st December, 1928, was sixty-six. The arrears of rent on that date were £8,160.

There are also 231 old houses acquired by Government of which 209 are occupied, the remainder being mostly uninhabitable. The arrears of rent were £70 on 31st December, but these arrears are coming in well.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

28. To ask whether Government will state for the information of Honourable Members the aggregate cost of the Yaba Settlement Scheme up to December, 1928?

(b) *Disallowed.*

(c) *Disallowed.*

(d) Whether it is true that another type of houses are being experimented upon?

(e) Whether it is also true that these houses do not conform to the requirements of the Building Regulations?

(f) *Disallowed.*

(g) To ask on whose authority and why were they passed?

THE HON. THE COMMISSIONER OF LANDS:—

The total expenditure on the Yaba Settlement to 31st December, 1928, was £267,700. Of this £214,132 was expended in compensating the inhabitants for land and buildings and £39,000 was

spent by the Town Council on development and refunded by the Government on 1st April, 1927, when the Town Council ceased to be responsible for development. The direct expenditure on development by Government since 1st April, 1927, when it took over development from the Town Council has been £14,568.

(d) Yes.

(e) The houses all conform to the bye-laws except the kitchens of one type which is still under discussion with the Town Council. Alterations to the bye-laws have been agreed to in order to assist in providing good houses in which the poorer classes can afford to live and the houses, when finished, will be in accordance with the bye-laws or the bye-law as amended.

(g) Does not arise.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

29. To ask whether Government's removal of duty on commodities such as foodstuffs is not for the express purpose that the benefits derivable thereby may be passed on to the general public? If that be so,

(b) To ask whether Government is satisfied by enquiry that the benefits accruing from the removal last year of duty on provisions are being extended in any appreciable manner to the general community?

THE HON. THE COMPTROLLER OF CUSTOMS:—

The answer to both questions is in the affirmative.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

30. To ask whether Government will state for the information of Honourable Members the cost of Obada Market and Obada Water-way, Yaba, up to December, 1928?

(b) How many market sheds have been erected, and at what cost per shed?

(c) What the rent is per shed; how much money was owing as arrears of rent at the close of last year and how many of the sheds are unoccupied at the present time?

THE HON. THE COMMISSIONER OF LANDS:—

The cost of construction of Obada Market to 31st December, 1928, was £308. The canal which is one mile long, thirteen feet wide and 3 feet deep cost £917.

(b) Several hundred temporary market sheds were erected by the stall-holders themselves at their own expense, and at no cost to the Government.

(c) There is no rent for the sheds and 1s. per month only is charged in advance for occupation of a plot. There are no arrears. I may add that nearly all the temporary sheds have now been removed to make room for permanent stalls which are now in course of erection.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

31. To ask how long was the Government Dispensary at Bonny in existence before it was closed down, as reported a few days ago?

(b) What is the estimated population of Bonny and the surrounding places whose sick had been attending this hospital for medical treatment?

(c) What is the total number of patients, and the daily average attendance, during the five years ended December, 1928?

(d) What is the reason for closing the dispensary down? And

(e) What provision has the Government made in order that the Bonny community and district are not deprived of the privilege

Bonny was a Medical Station for many years but the actual date when it was opened up is unknown. It was closed down in 1924.

(b) The population of Bonny in 1921 was about 2,000, but it is not possible to give figures for such places as may have been served by the Bonny Medical Station.

(c) In view of the answer to (a) does not arise.

(d) Since the opening of Port Harcourt, Bonny has steadily declined, administratively and commercially until its importance, relative to that of other places, no longer justified its being retained as a Medical Station.

(e) The Government has provided large and fully-equipped hospitals at Port Harcourt, of which the people of Bonny and the neighbouring district are availing themselves.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

32. To ask for a statement setting forth the following:—

(a) The expenditure involved in the operations of the Income Tax, Colony Ordinance, 1927, during the eight months ended December, 1928?

(b) The provisional estimate and the actual revenue from the Income Tax during the same period?

(c) The number of persons summoned for failure to pay during the same period, and the amount realised thereby?

(d) Whether this amount includes fines imposed by doubling the Income Tax, as well as costs awarded by the Court? If so,

(e) What is the actual amount realised not including fines and costs? And

(f) Whether these fines and costs are paid into the general revenue as court fees or as Income Tax fees?

THE HON. THE ACTING ADMINISTRATOR OF THE COLONY:—

It is presumed that the Honourable Member requires the figures for the nine months ended December, 1928, not eight as asked in the question.

The answers are as follows:—

(a) £2,252.

(b) The proportionate provisional estimate of revenue for the nine months was £15,000. The actual revenue received was £18,550.

(c) The number of persons summoned for failure to pay was 147; fifty-two cases were heard and the judgment amounted to £81; of which £25 4s. was received before the end of December, 1928.

(d) This amount includes penalties and costs.

(e) The total realised excluding penalties and costs amounted to £17 8s. at December 31st, 1928.

(f) The penalties are paid into revenue as income tax. The costs are paid in as Court fees.

*The answers to questions (c) and (e) do not include figures from the district of Epe and Badagry, the exact details of which are not yet available.

THE HON. THE MEMBER FOR THE WARRI-BENIN DIVISION (MR. I. T. PALMER):—

33. To ask whether Government is aware that Benin City is growing to be an important trading centre? And if so,

(a) What steps are being taken with regard to the evacuation of produce?

(b) Whether Government is prepared to undertake the reclamation of swamp roughly one mile on Sapele side of Ologbo Bridge, situate nine miles distance Sapele-Benin Road?

(c) To grant lease of such re-claimed land to prospective applicants?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The Government is aware that Benin is growing in importance as a trading centre but no practicable proposals have so far been put forward by the trading interests concerned for increasing the facilities for the evacuation of produce.

(b) and (c) No scheme of the nature indicated appears to have been brought to the notice of the Government before, and the matter has accordingly not been considered. The second part of the question does not therefore arise. The suggestion will, however, be referred to the Resident for a report, but the Honourable Member doubtless appreciates the fact that the land to which he refers does not belong to Government.

THE HON. THE MEMBER FOR THE WARRI-BENIN DIVISION (MR. I. T. PALMER):—

34. To ask what step the Government is taking for the establishment of—

(a) Suitable and commodious African hospital at both Sapele and Kwale Districts?

(b) A European hospital at Sapele?

THE HON. THE ACTING DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

Suitable African Hospital accommodation at Sapele will be built when the financial state of the country permits. It is not at present proposed to build an African Hospital at Kwale. The Medical Officer, Sapele visits Kwale at regular intervals and when specially summoned.

(b) A European Hospital at Sapele is not considered necessary. The European Hospital at Warri supplies present needs.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

35. In view of the Royal Instructions of His Majesty King George the Fifth passed under the Royal Seal and Signet to the Governor of the Protectorate of Nigeria dated the 29th November, 1913, and 9th December, 1922, clause 6, sub-clause 2

(a) Was the permission of His Majesty the King obtained before the Supreme Court Ordinance was promulgated under sections 21, 22 and 23 of which natives of the Protectorate were deprived of the privilege which they had hitherto enjoyed and were placed under the restriction and disability of not being able to institute actions in the Supreme Courts whilst under section 24 of that Ordinance, non-natives, that is, persons of European birth, were still to enjoy the privilege of bringing all suits and matters and criminal proceedings for offences committed by and against them to the Supreme Courts?

(b) This Ordinance having been promulgated was His Majesty's attention drawn to the provisions putting the natives under the restrictions and disabilities above mentioned when the Ordinance was laid before him for his final assent, disallowance or other directions thereon?

(c) If His Majesty's permission was first obtained before promulgation, was such permission made public and if so when, where and in what manner, and if not, the reasons for such non-publication?

(d) If the Ordinance was promulgated without the permission of His Majesty the King, will the Government instruct the officials concerned to cease carrying out the provisions of such portion of the Ordinance which are contrary to and in disregard of the Royal Instructions?

(e) Was the permission of His Majesty the King first obtained before the promulgation of the Provincial Courts Ordinance under which appeals are denied to the natives in all criminal cases and even in murder cases and under which litigants are deprived of the

appeal to the Supreme Courts in both civil and criminal matters and denied the right of services of counsel?

THE HON. THE ACTING ATTORNEY-GENERAL:—

As the Honourable Member is aware, His Majesty in regard to the matters raised in this question acts in accordance with the Constitution through the medium of a Secretary of State by whom his wishes are expressed. The Supreme Court Ordinance was, previous to enactment, approved by the Secretary of State for the Colonies, Notice of non-disallowance was published in the Gazette of the 4th February, 1915.

(b) The legal report on the Ordinance forwarded to the Secretary of State for the Colonies invited attention to the provisions to which reference is made.

(c) and (d) In view of my reply to (a) these questions do not arise.

(e) and (f) The answer is in the affirmative.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

36. Seeing that the Chief Justice of Nigeria is a member of the West African Court of Appeal as constituted under the West African Court of Appeal Order in Council, 1928, what are the unnecessary inconveniences which would be caused by including Nigeria in the provisions made for appeal under that Order and what are the Government's grounds or reasons for considering that the establishment of such a Court would not in any way benefit Nigeria at present as indicated by the answer of the Honourable the Chief Secretary to the Government in his reply to a question put at the last session of Council by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving)?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The inconveniences are the administrative operations and expense necessary to establish a Court which is not required. The grounds on which the Government considers that such a Court would not benefit Nigeria are that the present facilities for appeal are deemed adequate. So that a further Appeal Court established, as suggested, would be superfluous.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

37. Whether, in view of the fact that during the last two years numerous cases (a list of which can be supplied for verification) accused persons in the Provincial Courts have had to serve long terms of imprisonment before their convictions have, upon petition, been discovered to have been erroneous and unwarranted by the evidence, the Government will consider the advisability in the interest of the better administration of justice to natives in the Protectorate of persons charged in these Courts being granted as of right leave to appeal by way of stated cases or otherwise and the advantage of bail pending appeal as obtains in cases of convictions in the Supreme Courts?

THE HON. THE ACTING ATTORNEY-GENERAL:—

As at present advised the Government is not prepared to alter the procedure with regard to appeals by accused persons from decisions of the Provincial Courts.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

38. In view of the fact that in a judgment by His Honour Mr. Justice Tew given recently on an application for a Writ of Habeas Corpus on behalf of B. E. Nzekwu of Onitsha it is seemingly that there being no right of appeal from a decision of the Native Court, that the Magistrate who has certain powers to suspend or modify judgments of the Native Court, being under no obligation to exercise his powers if not so inclined, there exists no means of rectifying a decision of a Native Court (where the Court acts within its jurisdiction) however erroneous and grossly unjust, that in this

case *Okwu* served two months of the twelve to which he was sentenced by the Court before the order of Mr. Justice Tew set him free. Whether the Government will consider the advisability in the interest of the better administration of justice that persons charged and other litigants in these Courts be granted as of right the privilege of appeal to a Court of competent literate and legal ability and bail pending appeal?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The Government is not prepared to constitute procedure giving facilities for appeal from decisions of Native Courts. Adequate safeguards are provided by the Ordinance for securing the administration of justice.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

39. In view of the fact that when the jurisdiction of the Supreme Court was limited by Government in 1914 such limitation was alleged to be necessary in order to discourage litigation amongst natives and the tendency of such litigation to impoverish the native communities involved by institution of proceedings before a series of Courts now that it is disclosed by the answer of the Honourable the Acting Chief Secretary to the Government to a question put by the Honourable the Second Lagos Member (Mr. E. O. Moore) at the last session of Council that the number of civil cases heard in the Native Court of the Southern Provinces has increased by over thirty *per cent.* and it is seen from the Government Gazettes that the number of cases yearly in the Native Courts exceeded the number of those in the Supreme Courts by at least ten cases to one, whether the Government will consider the question that the creation of new Native Courts be discontinued and the jurisdiction of the existing Native Courts be limited in such manner as to discourage the institution of proceedings before a series of Courts thereby impoverishing the native communities involved.

THE HON. THE ACTING ATTORNEY-GENERAL:—

The Government does not subscribe to the proposition that the increase in the number of proceedings before the Native Courts has been the cause of impoverishing the native communities involved. Hence it does not contemplate the curtailment of the jurisdiction of such Courts.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

40. Will the Government consider the question of the expediency of granting to all persons, natives or non-natives, literate or illiterate, charged with murder, the privilege as of right of retaining the assistance of counsel in whatever Courts such persons may be tried?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The Government considers that the right of applying for the transfer of his case to the Supreme Court enables an accused person charged with murder to have his defence, if he so desires, conducted by Counsel. Hence the expediency to which the Honourable Member refers would not appear to arise.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

41. Will Government publish in the Gazette the warrants giving jurisdiction from time to time to the Native Courts in the Southern Provinces of Nigeria and especially in land cases and if Government will not publish the warrants what are the Government's reason for not doing so?

THE HON. THE ACTING ATTORNEY-GENERAL:—

The warrants are of so voluminous a character that publication in the Gazette would cause inconvenience without any corresponding benefit.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

42. Is it correct that the Native Courts in these Provinces have been given jurisdiction in land cases to the extent in Courts Grade

extent of jurisdiction in land cases that has been given to the Native Courts of each grade above mentioned, under Regulation No. 28 of 1928?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES :—

The power residing in the Governor under Regulation No. 2 made under section 24 of the Native Courts Ordinance to extend or reduce the jurisdiction of Native Courts has been delegated to the Lieutenant-Governor, Southern Provinces. In the Southern Provinces the Lieutenant-Governor has limited jurisdiction of all Native Courts in land cases to five square miles.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON) :—

43. Is it intended that plans made by licensed surveyors shall be used in these Courts to describe and delineate land in dispute before these Courts?

(b) If the answer is in the affirmative how is it proposed that the illiterate chiefs shall understand and deal with these plans?

(c) If the answer is in the negative what value does the Government estimate can be put upon decisions in these Courts as going towards a definite determination of suits in land cases?

(d) Will a declaration of title to land given by a Native Court be considered a good title to land where a European firm desires to acquire property in land for any purpose whatsoever in the Protectorate?

(e) Are decisions of these Courts in land cases to be subject to the same conditions as to denial of the right of appeal as obtains in other cases in the Native Courts?

THE HON. THE ACTING ATTORNEY-GENERAL :—

(a) The admission of a certain type of evidence is a matter for decision by each particular tribunal.

(b) The Government does not subscribe to the doctrine that the Chiefs who preside over these Courts are illiterate. If the Court admits evidence of this character it must be assumed that it is competent to judge of its value.

(c) In view of the reply to (b) this question does not arise.

(d) The question as to whether such a declaration constitute a good title to land is a matter of law on which in each particular case European firms should consult their legal advisers.

(e) Decisions in land cases are governed by the same rule of procedure as obtain in other cases decided by Native Courts.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON) :—

44. Since it is not a necessary corollary in the instruction of Native Chiefs in the proper administration of justice that there should be no right of appeal from their decisions what reasons have the Government for depriving litigants in these Courts and denying them the privilege of appeal enjoyed by them under their own institutions before the advent of the British in the country and under British rule up to 1914 of appeals to the Supreme Court?

THE HON. THE ACTING ATTORNEY-GENERAL :—

It is considered that the control and rights of transfer to the Provincial Court exercised by members of the Provincial Court and Commissioners of the Supreme Court provide complete and ample safeguards against injustice and hence further privileges of appeal are neither necessary nor desirable and would moreover clog the efficient administration of justice.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON) :—

45. To ask what is the constitution of a Native Administration in Provinces like Calabar, Owerri and Ogoja?

(i) What is the system under which the Native Administrations are carried on, what is the personnel and who are the heads directly responsible in each Province for the proper working of the system?

(b) In the process of administration how is it determined where the province of the British administration ends and that of the Native Administrations begins and *vice-versa*?

(c) Are the Native Administrations in these Provinces divided into Departments such as Treasurer, Public Works, Health, etc., and if so what are the several departments and who are the heads or managers of such department in each Province?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

It is the intention of Government that the constitution of the Native Administrations in the Provinces of Calabar, Owerri and Ogoja should be as far as possible identical with the tribal clan or village organisations of the peoples of those Provinces and in this respect it is designed to follow on the lines already proved successful in other Provinces.

(a) The system under which these Native Administrations work is to allow as far as practicable local government to be carried on by means of indigenous methods and institutions. The personnel consist largely of those who would by native custom be conducting the administration of various areas in the absence of British rule.

Each area is controlled by the Native Authority for that particular area, which may consist of an individual, a council or, as is often necessary in the early stages, a Native Court. The executive functions of a Native Authority are carried out through village or clan heads or their local equivalents.

It is obvious that it is not easy in many places, and the provinces in question are cases in point, to evolve in the early stages a central Native Authority and it is therefore at present often necessary to utilise the Native Authority of each area as the executive and the Native Court as the judiciary.

(b) It is impossible and undesirable to lay down any hard and fast rule on this point. General guidance by Administrative Officers is always necessary and the extent to which any Native Administration exercises certain powers and controls its own affairs depends on the stage of development that it has reached.

(c) The Native Administrations in the Provinces alluded to are in their infancy and cannot be expected at this early stage to evolve departments such as those to which the Honourable Member alludes. After a time it will no doubt be possible to develop such departmental organisations, as is to be found in the case of the older Native Administrations in the western portions of the Southern Provinces.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

46. In view of the increasing importance of the township of Calabar whether, and if so, how soon does the Government intend to extend to Calabar the system of electric lighting as has been done at Port Harcourt and Enugu to augment the water supply?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

It is hoped that it will be possible to make provision for both electric light and water supply at Calabar out of the sums which have been earmarked for such words in the proposed new Loan, as soon as the necessary schemes and estimates of costs, now in course of preparation, have been made available. The needs of Calabar must be considered with the relative importance of other schemes. Both schemes, however, will be contingent on the introduction of a system of rating.

THE HON. THE MEMBER FOR CALABAR (MR. C. W. CLINTON):—

47. Will Government consider the question of the early opening up of the country between Calabar and the Cameroon boundary by the erection of a permanent bridge across the Qua River at Atimbo and the making of proper motor roads from Atimbo to the Cameroons?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

country through which this road would pass is largely uninhabited and would, owing to the physical features of the country traversed, be an extremely expensive undertaking it is improbable that the scheme will take precedence of many others of greater economic importance which are now being considered.

As regards the bridge over the Kwa River at Atimbo it is not possible at the moment to say anything. The question will be referred to the Director of Public Works for a report as to the practicability and cost of such an undertaking.

THE HON. THE COMMERCIAL MEMBER FOR KANO (MR. J. W. SPEER):—

48. To ask the Honourable the Acting Chief Secretary to the Government, in view of the Honourable the General Manager of the Railway's statement to the Kano Chamber of Commerce that he is unable to offer any alternative to the present arrangements, if Government will consider granting a concession on the present return full fare rates between Iddo or Apapa and points up-country in the case of wives of non-officials, and further, if Government is aware that for some time past similar facilities have been granted by the Shipping Companies?

THE HON. THE GENERAL MANAGER OF THE RAILWAY:—

The answer to both parts of the question is in the negative.

THE HON. THE COMMERCIAL MEMBER FOR KANO (MR. J. W. SPEER):—

49. To ask the Honourable the Acting Postmaster-General, if he is in a position to add to the answer given in this Council on February the 18th last, relating to wireless reception, commercial and otherwise?

THE HON. THE ACTING POSTMASTER-GENERAL:—

The position as regards commercial wireless has developed considerably and provision has been made in 1929-30 Estimates to engage two specially-trained Engineer Operators for research work with short wave equipment. It is hoped that experiments will commence early in the new financial year and that in the course of a few months the Posts and Telegraphs Department will be in a position to make practical use of wireless in various directions within the Colony and Protectorate.

The primary object is to introduce wireless for inland telegraph purposes in the more remote or inaccessible parts of the country, but the equipment will also provide facilities for experimental broadcast transmission and for long-distance reception with a view to obtaining definite information as to the type of receiver best suited for local conditions and the reliability to be expected in every day conditions from English and American stations.

As regards external wireless the whole matter is under consideration by the Empire Communications Board and it is not possible at present to forecast what policy will be adopted.

I can assure the Honourable Member for Kano that the Posts and Telegraphs Department will do everything possible to further the development of wireless, commercial and otherwise, and it is hoped that the Department will be in a position to put concrete proposals before Government by the end of this year.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

50. What has been the cost, including overhead charges, up to 31st December, 1928, of the new Council Hall at Ibadan?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

It is first to be observed that it is not part of the functions of this Council to inquire into the expenditure of the Native Administrations, but for the information of the Honourable Member the following figures have been obtained:—

£15,583.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

51. What is the estimated further expenditure, including overhead charges, to complete the building?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—
£8,462.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

52. What was the original estimate, and who sanctioned the expenditure?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

The original estimate was £18,000 and this amount was sanctioned by His Excellency in 1925. A further sum of £6,000 was sanctioned by His Excellency in August, 1928.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

53. Why was the erection of the Council Hall sanctioned when only a very small portion of the town of Ibadan is supplied with pipe-borne water and there is no electric light?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

The Honourable Member would appear not entirely to appreciate the position as to Native Administration funds. These belong to the Native Administration, and that body, subject to the advice of the Resident and the final approval of the Governor, is entrusted with their disposal. This is more particularly the case when a fully-organised Native Administration such as that of Ibadan is concerned. In this instance the Chiefs have been pressing for several years for the erection of this building, which, incidentally, will include all the Native Administration offices as well as a hall, and at a meeting of the Chiefs and members of the community in 1923 a definite request was made that provision should be inserted in the Native Administration Estimates, and that the work should be begun forthwith. I may add that a Council Hall appears to make a special appeal to Native Administrations in the South, and representations for the erection of such a building were made to me at Ijebu-Ode in 1921, and at Onitsha more recently.

As regards the suggested alternatives I refer the Honourable Member to paragraph 354 page 48 of the Memorandum on the draft Estimates. It will there be seen that the estimated cost of a scheme to supply Ibadan with water is over £500,000, and of electric light £27,000. It will therefore be readily appreciated that these undertakings for the present at any rate are beyond the resources of the Native Administration.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

54. Who are the Administrative Officers who have been Residents or Acting Residents in the Oyo Province during the year 1928 and for what periods have they respectively been in charge?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

Captain W. A. Ross, C.M.G. (Senior Resident) from January 1st 1928, to May 15th, 1928.

Mr. H. T. B. Dew (Acting Resident) from May 16th, 1928, to October 15th, 1928.

Major F. S. Williams-Thomas, D.S.O. (Resident), October 16th, 1928, to December 31st, 1928.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

55. What number of days has each Administrative Officer spent in Ibadan, Oyo and Iseyin during his term of office in the Oyo Province?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

Captain Ross	...	...	...	35 days at Ibadan.
				33 " " Oyo.
				28 " " Iseyin.
Mr. Dew	...	...	...	71 days at Ibadan.
				42 " " Oyo.
				15 " " Iseyin.
Major F. S. Williams-Thomas	...	...	...	19 days at Ibadan.
				32 " " Oyo.
				20 " " Iseyin.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

56. How many Senior Residents, Residents, District Officers, Assistant District Officers and Cadets were there in the Nigerian Government Service at 31st December, 1928?

57. How many Senior Residents, Residents, District Officers, Assistant District Officers and Cadets were in the service of the Nigerian Government at 31st December, 1925, 1926 and 1927 respectively?

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

Officers of the Administrative Service are liable to be posted to any department within the Administrative Service, for example, Secretariat, Lands and Magistracy.

Figures will, therefore be given:—

- (a) for Staff Grade; in which the Senior Residents are found;
- (b) for Class I, Grade I—the grade of Residents;
- (c) Class II—District Officers and Assistant District Officers;
- (d) Cadets.

In 1925 and 1926 Cadets were not shown separately in Staff Lists and for these years District Officers, and Assistant District Officers, and Cadets will be given together. The figures are:—

	Staff Grade	Class I, Grade I.	Class II D. Os. & A. D. Os.	Class III Cadets.
31.12.1925	13	32	325	
" 1926	15	30	321	
" 1927	16	31	229	112
" 1928	16	31	248	123

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

58. Is it not a fact that the Administrative Service (Senior Residents, Residents, District Officers, Assistant District Officers and Cadets) is considerably over-staffed?

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

The answer is in the negative.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

59. Why is it necessary to have four Administrative Officers at Ilaro, two at Okitipupa (to mention only two divisions) each being a one man station?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

Ilaro is a division of some years standing and such had as a minimum a staff of one District Officer and an Assistant District Officer, and from January to September this was actually the number of officers in the Division. A divisional staff frequently required temporary augmentation for special purposes, as for

instance. assessment, and it is left to the discretion of the Resident to arrange the distribution of his provincial staff in accordance with his immediate requirements. It is this fact which has caused the variations which the Honourable Member has observed.

Okitipupa has more recently been constituted a Division. Apart from a considerable area of mainland it covers a wide network of waterways in which are hidden away numbers of villages difficult of access and harbouring a large floating population not very law-abiding in its activities. Satisfactory administration of this area had proved in practice impossible with one officer only stationed at Okitipupa.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

60. Was the contract for erecting the new Carter Bridge put out to tender? If not, why not?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

The answer is in the negative. The question of putting the new Carter Bridge out to contract was fully considered by Government and on the advice of the Consulting Engineers it was decided with the approval of the Secretary of State that the work should be carried out departmentally.

The following is the advice tendered by the Consulting Engineers on the point:—

As regards the question whether the proposed work should be executed by contract or departmentally, certain considerations in this particular instance favour the carrying out of the work by the latter method.

Under the departmental system, a large number of competitive tenders would be obtained for the supply of the steel-work, the cost of which would represent approximately one-half of the total expenditure on the bridge. If, on the other hand, a contract were let for the execution of the bridge, tenders would be confined to the comparatively small number of firms who might be willing to quote for such work in Nigeria.

Generally speaking, a firm of contractors, by reason of their special experience and ready-made organisation for the business, can carry out works of magnitude more rapidly and more efficiently. In the present case, however, the supply of the steel-work and the requisite constructional plant would occupy the same period whichever method were employed for the execution of the bridge. Moreover, the existing Harbour Works Staff possesses considerable experience in the construction of work of the character now in question.

We should, accordingly, anticipate the bridge being constructed as quickly and more economically by the departmental method which would in this instance eliminate the ordinary contractors' profits without incurring the usual additional expenditure on account of the longer period occupied in construction.

The variable character of the strata at the bridge site to which we have previously alluded, renders it impracticable definitely to determine in advance the depths to which the foundations would have to be carried. This constitutes a feature which might, in the execution of the work by contract, occasion claims of one sort or another for extra payment whereas, under the departmental method of construction, all necessary modifications in the foundations would be made at net cost.

In all the circumstances, therefore, we recommend that the work, when sanctioned, should be executed departmentally.

THE HON. THE COMMERCIAL MEMBER FOR CALABAR (MR. G. GRAHAM PAUL):—

Arising out of that answer, may I ask whether the Government have considered the very serious question of responsibility raised by one point in that answer that only a few firms would have tendered for the work to be done in Nigeria? May I ask if Government have considered the question whether that fact is not due to the deliberate policy of Government to give out as little work as possible to contract?

HIS EXCELLENCY :—

The Honourable Member will find there is another similar question on the paper to which there will be an answer later on. A considerable amount of work is in fact done by contractors on tender.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING) :—

61. What is the estimated liability of the Nigerian Government for pensions fifteen years hence?

THE HON. THE TREASURER :—

The Honourable the Commercial Member for Lagos (Mr. R. F. Irving) is, I am sure, aware that the pensions liability of this Government beyond a very limited period ahead, can only be made the subject of a very general forecast.

He will understand therefore that the figure given in answer to his question is a rough estimate only, depending as it must do on some uncertain and some problematic factors.

From a review of the relation of pensions to personal emoluments and from a general analysis of personal emoluments it is estimated that the present rate of increase of the cost of pensions will continue for further four or five years.

Then for the following eight or ten years the increase will become much more gradual, corresponding with the period during the war twenty years earlier, when pensionable personal emoluments remained practically stationary. Another circumstance which will retard the rate of increase is the lengthening of the term of service.

That brings us to the year 1944, fifteen years hence, and I estimate that the net amount payable from revenue on account of pensions and gratuities for the financial year 1943-44 will not exceed £500,000, as compared with the actual net expenditure on this account in 1927-28 of £243,643.

This Estimate is based upon the following known factors :—

1. The total pensionable personal emoluments from year to year.
2. The Railway reimbursement of its own pensions charges.
3. The post-war revision of salaries and of the Pensions Regulations.

And may be affected to a greater or less degree by the following incalculable factors :—

1. Invalidings and deaths of officers in the service.
2. Long service, and other public service, beyond the minimum requirements of the pensions laws.
3. The longevity of pensioners from Nigeria of which as yet little is known.
4. The acceptance of gratuities upon retirement.
5. Normal increase of staff.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING) :—

62. How much of the £1,920,883 in table one on page 3 of the Annual Report of the Public Works Department, 1927 is for contract work?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS :—

The actual expenditure in 1927-28 was £1,835,632. This sum included expenditure on contracts, as follows :—

Roads and bridges	£	97,937
Supply of timber		34,037
Supply and transport of local building material		47,600
Crown Agents' contracts		13,479
		<u>£793,053</u>

In addition contracts for buildings were in progress during the year to the extent of £105,043

These figures are approximate as an extended analysis of all items of expenditure was impossible in the time available for reply.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

63. If in order to keep the pensionable staff as low as possible it is the policy where special works are concerned to engage Foremen, Engineers, and Building Inspectors on temporary agreement? If not, what, if any, are the difficulties in the way of adopting this policy, and if no insuperable difficulties exist, will the Director of Public Works consider the proposal?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

In order to keep the pensionable staff as low as possible it is the policy of Government to engage Foremen and Engineers on temporary agreements where special works are concerned; this policy is adhered to.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

64. What is the system in force for checking Public Works Department stores; and if an independent Survey Board exists for this purpose what is the constitution thereof?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

Stores are checked periodically by officers of the Stores Branch of the Public Works Department. Independent Boards of Survey, consisting of two members and a President are appointed by Government to check and report on each store once a year.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

65. Whether a detailed statement of stores on hand can be included in the Public Works Department Annual Report and presented with the Annual Estimates?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

A detailed statement of stores on hand as at 31st of March for the preceding year could be included in the Public Works Department Annual Report, at a cost to Government of approximately £100, exclusive of the cost of printing of some 200 pages additional to the Public Works Department Annual Report. It is not considered that publication would serve any useful purpose.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

66. What entries are made in the store accounts when articles of value such as baths, sinks, windows, etc., are collected from bungalows and other buildings when the latter are demolished and are articles so collected used again in various works?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

All articles of value collected from demolished buildings, or removed from any buildings or works, are returned to store and taken on charge, under Unallocated Stores Suspense Account, at a valuation depending on their condition. When they are subsequently used on other buildings or works, the latter are charged with the cost at which the articles stand in the Stores Cost Books.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

67. Referring to the Acting Postmaster-General's answer given to the Honourable Commercial Member for Lagos (Mr. R. F. Irving) on the 26th November, on what grounds does he base his contention that the Posts and Telegraphs Department is not considered primarily a commercial undertaking?

THE HON. THE ACTING POSTMASTER-GENERAL:—

The Posts and Telegraphs Department in a country like Nigeria is not primarily a commercial undertaking because postal and telegraph facilities are usually provided in the first place for administrative or strategical purposes only.

The cost of building a telegraph line varies from £60 to £90 a mile according to local conditions and the opening of a Posts and Telegraphs Office involves provision of apparatus and trained African Engineering and Operating Staff together with the cost of inspection and executive and administrative control. The revenue in most of these cases is negligible for many years, but nevertheless Government has no alternative but to provide these commercially unremunerative services in the public interest.

Such services are not, however, exclusively official but are also given by Government in response to commercial pressure. An example of this is the Lagos-Agege trunk telephone service which was given to Lagos subscribers free and has only attracted a maximum of seven private subscribers at Agege during the past eight years.

So far as is practicable the Department is worked on commercial lines; but it is realised that the beneficial effects of the Department in the development of the country in general, and of trade in particular, necessitate many postal, telegraph and telephone services being maintained at a loss to Government. It is certain that no commercial enterprise would undertake to provide and maintain many of the services which exist in Nigeria without a large Government subsidy.

In conclusion I would add, for the information of the Honourable Member that during 1927 if a full cash credit had been received for services rendered to other departments the year's working would still have resulted in a net loss of £30,000 not including special expenditure.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

68. On what grounds is Nigeria excluded from participation in the West African Appeal Court?

THE HON. THE ACTING ATTORNEY-GENERAL:—

I must refer the Honourable Member to the reply given to him by the Honourable the Acting Chief Secretary to the Government to question 7 (ii) in the Legislative Council Debates of the 26th November, 1928, when this question was specifically answered.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

68a. Will Government consider the advisability of various departments paying for postal services with a view of checking undue expenditure?

THE HON. THE ACTING POSTMASTER-GENERAL:—

I would refer the Honourable Member to my reply to Question No. 8 at the last meeting of this Council on the 26th of November, 1928, in regard to the undesirability of inter-departmental debits and credits.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

69. To ask whether the Government is now in a position to make any definite statement as to whether the Secretary of State for the Colonies has approved of freehold rights being granted to prospective settlers in the Yaba Township?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

The attention of the Honourable Member is directed to Government Notice No. 27 which was published in the Gazette of 24th January, 1929.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

70. *Disallowed.*

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

71. What steps does the Government propose to take to combat the rapid encroachment of the sea at Victoria Beach before such inroads become a positive danger to the town of Lagos?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

The Government, on the advice of its Consulting Engineers, is taking steps, by the extension of the Eastern Mole northwards, to ensure that any further encroachment will not constitute a danger to the port of Lagos. For this purpose a sum of £7,000 is provided in the current year's Estimates at Head 50 item 8.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

72. Whether the Government does not consider the advisability of reclaiming the area of land lying between the Five Cowrie Bridge and the new Iru Village so as to include the area within the Town Planning Scheme?

THE HON. THE COMMISSIONER OF LANDS:—

The Lagos Executive Development Board has recently been constituted under the Town Planning Ordinance and no Town Planning Schemes under that Ordinance have yet been made. The whole of the municipal area in order of urgency will be considered by the Board when drawing up its schemes.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

73. Whether in the Town Planning Scheme ample provisions are made for open air spaces, and parks in particular?

(b) *Disallowed.*

THE HON. THE COMMISSIONER OF LANDS:—

I refer the Honourable Member to section 17 (d) of the Town Planning Ordinance under which open spaces and parks are provided for.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

74. Whether the Government will not reconsider the new proposal to increase the school fees at King's College?

(b) *Disallowed.*

(c) *Disallowed.*

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

King's College now has laboratories and equipment which are considerably in advance of those found at the great majority of secondary schools in England. The staff has also been increased and strengthened. It has therefore been decided that a proportion of the very considerable increase of expenditure entailed by these improvements should be met by higher fees, and the Government is not prepared to reconsider that decision. In 1928 Government expenditure in connection with King's College amounted to £7,597. The revenue received amounted to £1,050 from the Medical Department in respect of medical scholars and £1,215 tuition and boarding fees, leaving an adverse balance of £5,332.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

75. How soon the reclamation work at Alakoro district will be completed?

Disallowed.

THE HON. THE ACTING ADMINISTRATOR OF THE COLONY:—

It is expected that the essential work on the reclamation at Alakoro will be completed by the end of March this year.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

76. Whether the Government by virtue of the Forestry Ordinance has acquired in the Southern Provinces any freehold rights over lands originally declared to be a forest reserve, and if so, what is the area or extent of such acquisitions to date?

THE HON. THE COMMISSIONER OF LANDS:—

The answer is in the negative. Questions 77, 78 and 79 therefore do not arise.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

77. Whether the Government has paid any compensation to the natives or native communities whose forest lands have thus been acquired; and if so, what is the rate or basis of compensation?

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

78. Whether at the time of the declaration of any particular areas as a forest reserve the subsequent intention of Government to acquire freehold rights over any portion of the area so declared is simultaneously communicated to the natives, if not what is the normal time that is allowed to elapse between the declaration of any particular area as a forest reserve and the acquisition of freehold rights therein?

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

79. Whether the principle at the back of a forest reserve is not the preservation of the timber or forests products therein when threatened with depletion, and if so, what need is there for the ownership rights to be transferred from the natives to the Government merely for the purpose of effecting such protection or preservation?

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

80. *Disallowed.*

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

81. Whether Government will not consider the advisability of discontinuing the policy of forced labour on the roads in view of its disastrous effect upon the economic life of the people, especially where male persons are kept for weeks or months constructing roads without being paid a farthing for work done and nevertheless have to find their own food, pay their annual taxes and perforce leave their own farms unattended and which in the end become unproductive to them?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

If the Honourable Member will be good enough to inform me where this forced labour on roads is taking place I will make enquiries at once. As far as I am aware he has been misinformed. With the introduction of taxation all labour on roads is fully paid.

THE HON. THE THIRD LAGOS MEMBER (MR. T. A. DOHERTY):—

82. *Disallowed.*

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

83. *Disallowed!*

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

84. *Disallowed.*

(b) *Disallowed.*

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

85. To ask whether it is not a fact that apart from the District Officer's substantive duties as Political Officer, or Officer Administering the Government to the District over which he is commissioned, he also functions in the following capacities, at one and the same time, namely:—

- (1) Commissioner of Oaths.
- (2) Superintendent of the Criminal Investigation Department.
- (3) Judge, or Commissioner of the Supreme Court.
- (4) Jury.
- (5) Gaoler, or Comptroller of Prisons.
- (6) Treasurer, or Revenue Officer.
- (7) Auditor of his own District Accounts.
- (8) Supervisor of Native Courts.
- (9) Postmaster-General, etc., etc.

(b) *Disallowed.*

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

(1) and (8) The answer is in the affirmative. (7) and (9) The answer is in the negative.

(2) As the officer responsible for the general administration, he supervises the activities of Native Administrations with regard to criminal investigation. In the absence of a police officer he can, on behalf of the Inspector-General of Police, supervise Government Police in this connection.

(3) He is a Commissioner of the Provincial Court, and a Commissioner of the Supreme Court within the local limits of that Court.

(4) There is no system of juries outside the Colony. When exercising jurisdiction the District Officer combines the functions of judge and jury.

(5) and (6) When the work is sufficient to justify it a Departmental Officer or another Administrative Officer is detailed for these duties. In the absence of such an officer the District Officer may act as local Treasurer, and/or Comptroller of Prisons, in each case under the direction of, and responsible to, the Head of the Department concerned.

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

86. To ask how many District Officers and Assistant District Officers are there in the Service?

(a) How many of these are qualified barristers or solicitors?

(b) What are the reasons which would appear to justify the appointment of unqualified men to sit as judges of Provincial Courts especially over trials for capital offences?

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

(a) Has been answered in reply to questions 56-57.

(b) Barristers, twenty-two. Solicitors, seven.

(c) Government does not admit that members of the Provincial Court are unqualified to exercise the jurisdiction conferred upon them under the Provincial Courts Ordinance (Chapter 4, section 12, also section 6 (3)).

THE HON. THE FIRST LAGOS MEMBER (DR. C. C. ADENIYI-JONES):—

87. To ask whether it is not a fact that Public Letter Writers in the Protectorate of Nigeria are allowed to usurp the functions of legal practitioners by drawing up summonses and other legal documents on behalf of illiterate litigants for use in the Native and Provincial Courts and in consideration for value received?

THE HON. THE ACTING SECRETARY FOR NATIVE AFFAIRS:—

Government is not aware that the fact is as alleged.

RESOLUTIONS.

The Hon. the Acting Chief Secretary to the Government: With your permission, Sir, I will move the additional resolution which was put into Honourable Member's hands a short while ago, before proceeding with the resolutions on the Order of the Day.

I beg, Sir, to move the following resolution:—

“Be it resolved: That, this Council consent to the Order in Council made by the Governor in Council under section 12 of the Customs Tariff Ordinance, 1924, on the 1st day of January, 1929, in so far as the said Order relates to the Colony and to the Southern Provinces of the Protectorate.”

I will not read the Order in Council, Sir, as its provisions are not easily understood without reference to the Schedule to the Customs Tariff Ordinance. For the convenience of Honourable Members I have had that Ordinance specially printed and handed round with the copy of the resolution, in order that Honourable Members may have before them the Schedule which the Order in Council amends and so be able to follow exactly what is proposed in the new Order in Council. Instead of reading the Order in Council, Sir, I will explain shortly what it does.

Briefly it doubles the import duties on ale, beer, cider, perry, porter and stout, on motor spirits and wines both sparkling and still, and on grey baft; that is to say it increases the duty on ale, beer, cider, etc., from sixpence a gallon to one shilling a gallon; it increases the duty on petrol from threepence a gallon to sixpence a gallon; it increases the duty on sparkling wine from four shillings a gallon to eight shillings a gallon, and on still wine from two shillings and sixpence a gallon to five shillings a gallon: it increases the duty on grey baft from a penny the pound gross to twopence the pound gross. I should add, Sir, that in addition, the Order in Council makes an unimportant alteration in connexion with salt. The duty on salt is twopence a hundredweight, but when that commodity is imported in small receptacles as table salt, the trouble and expense of collecting the duty at the rate of twopence a hundredweight is not worth the amount realised. It is consequently proposed to exempt table salt from the duty on salt; the effect upon receipts will be negligible.

To return to the increases I have mentioned, the total additional revenue which it is estimated will be produced by virtue of the increased duties on beer, petrol, wine and grey baft amounts to £100,000, and before I enter into details I expect Honourable Members will wish me to explain clearly the reasons which have led the Government to put forward proposals for increased taxation at the present time. In doing so it will be necessary for me to anticipate some of the remarks which I should otherwise have to make in introducing the budget at a later stage at this Session.

The financial position, Sir, is dealt with by you shortly in your Address to the Council, and rather more fully by me in the Memorandum upon the draft Estimates. For some years now the basis of our finances has been that we shall retain a fixed reserve of three and a half million pounds as a minimum, and we have been successful in building up our reserves to that figure and in keeping them well above it. On the 1st of April, 1923, our surplus balance was £2,304,000; in 1924 it was £3,063,000; in 1925 it was £4,238,000; in 1926 it was £5,924,000; in 1927 it was £6,074,000; in 1928 it was £5,655,000; in 1929 it is estimated to be £4,678,181 and in 1930 it is estimated to be £3,585,083.

The rapid increase between the years 1923 and 1927 is exceedingly gratifying, and is a remarkable testimony to the potentialities of this country. It has enabled us during the last two years to spend on development substantially more than the annual revenue, and the fact that the balance has been reduced in 1927-1928 and is estimated to be further reduced in the current year and next year is nothing more than an indication that we have been quite deliberately spending such parts of our surplus balances as we have not thought it necessary to hoard. The result has been an amazing development of the country in all directions, and that development must inevitably go on: but it cannot continue at the abnormal rate at which it has progressed during the last few years because accumulated surplus balances, if steadily drawn upon, do not last for ever. Honourable Members have been told before that our programme of development is so arranged that when it is necessary to go slower it will be possible to do so, and now that we are budgetting for an estimated surplus balance of £3,585,083 on the 31st of March, 1930, that is to say only some £85,000 more than the minimum of three and a half million which we have set ourselves, the time has obviously come, not to call a halt, but to put on the brake with a view to being able to prepare future budgets on the basis of revenue balancing expenditure. Although I have said it is necessary to put on the brake, we do not want to ram it on any harder than is necessary. We all wish to see the many schemes of the Government for the development of communications and for the betterment of the health and education and living conditions of the people of this country go forward. It behoves us then not only to practise economy but to look round and see whether there are not any sources of revenue which are left untapped or insufficiently tapped, and this leads me to turn from the general financial situation to the more specific question of customs duties. Obviously if an additional revenue of £100,000 a year can be obtained from customs duties, it is going to be of very great assistance to the financial position; and recent history, Sir, makes it reasonable that we should turn to this source of revenue in the first instance. It will be fresh in the minds of Honourable Members that a year ago the Government made the welcome announcement of the removal of the taxes on food, thus depriving the revenue at one blow of £150,000 a year. To make up for this the duty on

tobacco and spirits was increased and it was anticipated that the increased duty derived would rather more than compensate for the loss of duty on food. That anticipation has not been realised, for whilst an additional revenue of £50,000 was obtained on cigarettes in 1928 as compared with 1927, and of £60,000 upon tobacco, the returns for spirits show a slight decrease rather than any increase. The total therefore from cigarettes and tobacco amounts to £110,000, and comparing this with the £150,000 relinquished on food taxes we find we are £40,000 down on the transaction. We must therefore look closely at the tariff to see if there are not any other luxuries or other commodities which can bear a higher rate of duty, and that brings me to the specific proposals put forward in the Order in Council which Honourable Members are now asked to approve.

The first of those proposals is to double the duty on ale, beer, cider, perry, porter and stout. The present duty is sixpence a gallon, and that works out at four shillings a case of forty-eight large bottles or one penny a bottle. In England the Government has to think twice and a great many more times than twice before it touches the working man's beer, but conditions in Nigeria are different and the same considerations do not apply. Beer is not yet in Nigeria the ordinary drink of the ordinary working man, and it can properly be classified as a luxury. Moreover it is a luxury that is principally imported from foreign countries, and it can well bear a duty of an additional penny a bottle or four shillings a case of forty-eight large bottles. The proposal accordingly is to increase the duty from sixpence to one shilling a gallon making the total duty eight shillings a case of forty-eight large bottles, or two-pence a bottle. This I believe is the same duty as is in force on the Gold Coast.

In 1928 the total number of gallons imported was approximately 1,148,000, on which rather less than £29,000 was paid in duty: but it is a mistake to assume that when the duty on a commodity is doubled, the total customs duties received immediately go up to double the figure of the previous year. Allowance has got to be made for possible decrease in consumption resulting from the increased duties, and a fair estimate of the increased duties which we shall derive from the increase in the duty on beer, etc., is £20,000 a year.

I turn now to the second item on which the duty is doubled, namely motor spirit. This can hardly be regarded as a luxury, except when used for joy-riding, and the justification for an increase in duty rests on other grounds. This is a commodity the importation of which has gone up and is still going up by leaps and bounds. Up to 1924 the duty on petrol was eightpence a gallon; in October of that year it was reduced to sixpence a gallon, and in February, 1926, it was further reduced to threepence, at which figure it has remained until now. Those successive reductions were made in pursuance of a deliberate policy of fostering the use of motor transport so as to release labour from head transport and make it available for other more useful purposes, and the remarkable success of that policy has been shown by the manner in which motor transport has developed throughout the country and by the figures of imports of petrol which I will give to Honourable Members. In 1924, 971,000 gallons were imported; in 1925, 1,695,000 gallons; in 1926, 2,178,000 gallons; in 1927, 3,267,000 gallons and in 1928, 4,604,000 gallons. Those figures, I think are very striking, and Honourable Members will note that in 1928 nearly five times as much petrol was imported as in 1924. In view of the decreases in duty which I have mentioned, the present proposal to restore the duty on petrol to sixpence may be thought to be a retrograde step, and from some points of view perhaps it is, but the Government considers it is justified for four reasons.

First of all we are satisfied that the motor industry is now firmly established in Nigeria. The advantages of motor transport have been so amply demonstrated and the people have so widely taken to its use that there is no longer any question of crippling an infant industry by excessive taxation, and we are satisfied that the increased duty will not cause a set-back in the use of motor cars and motor lorries, which is becoming more and more common every day.

Secondly there has been a steady fall in the wholesale price of petrol during the last few years. In 1922 with a duty of eightpence, the wholesale price paid at Ijora was 3s. 4d. a gallon; in

1925 with a duty of sixpence, it was 2s. 9d. a gallon; in 1928 with a duty of threepence, it was 2s. It is clear therefore that a return to a duty of sixpence, will not create an insupportable burden.

Thirdly the Government considers that the increase is justified owing to the very large sums which the Government is spending annually on road construction and road maintenance. A glance at your Excellency's Address gives an indication of this. At page 98 your Excellency writes: "The estimated mileage of roads constructed during the financial year will be approximately 370 miles." And again at the top of the next page: "One of the features of the year's work is the number of large and costly bridges required in connexion with the road programme."

In the last four or five financial years the Public Works Department has spent almost £1,220,000 upon the construction of new roads and bridges, and reconstruction and maintenance of old ones, and throughout the country the demands for new roads and for the improvement of existing ones grow more and more insistent. Government considers therefore that the time has come when those persons who mainly benefit from all this expenditure must be asked to contribute a little more towards it. The easiest and fairest way to achieve that is by an increase in the petrol duty, because the petrol tax paid by an individual increases in proportion as he uses the roads for motoring.

Lastly, and this is always an important point, the increased duty will cost no more than the former duty to collect, and it will in fact produce a substantial increase in revenue. The estimated revenue for the year at the rate of threepence is £50,000; it is safe therefore to assume that doubling the duty will result in an increase of £50,000 a year.

For the reasons I have given the Government considers now that it would be failing in its duty to the other taxpayers if it did not levy that additional sum on those people who get the lion's share of the benefit from the very heavy expenditure on road construction.

Coming now to the third item on which this Order in Council doubles the duty, namely wine, this is obviously a luxury and it is considered that with the duty on spirits increased a year ago and the duty on beer proposed to be increased now, wine should be treated in the same way. The imports of sparkling wine are not at all large: in 1928 they amounted to 4,486 gallons; but the duty on them is only 4s. a gallon as compared with £1 a gallon on the Gold Coast. It is thought therefore that an increase to 8s. a gallon will not be out of the way; it amounts to eightpence a bottle. The case of still wine is rather different. Although the imports are not very large, they have appreciably increased during the last few years. In 1928 they amounted to 156,357 gallons. The Honourable Comptroller of Customs estimates that fifty per cent. of this consists of vermouth, some of it of a cheap kind, and there is evidence of a tendency for the consumption of this to increase more than is desirable, especially in the Northern Provinces, presumably owing to its cheapness compared with spirits. It is time therefore that the duties were increased, and if the increase of duty results in a decrease of consumption there will be no heartburning. The increase proposed is from 2s. 6d. to 5s. a gallon, that is to say from five pence to ten pence a bottle, and the total estimated additional revenue that will be derived from the increase on sparkling and still wines amounts to £15,000 a year.

Lastly, I come to the fourth item on which it is proposed to double the duty, namely grey baft. This article, Sir, is in a somewhat curious position. All other woven goods pay duty at the rate of fifteen per cent. *ad valorem*; but for reasons into which I need not enter now, when an *ad valorem* rate was fixed for woven goods, grey baft was specifically exempted from it, and in lieu of an *ad valorem* duty a specific duty of one penny per pound gross was fixed. At that time, some fifteen years ago, the greater part of the grey baft imported was of the cheaper kind and the duty of one penny per pound gross compared fairly with the *ad valorem* duty fixed on other woven goods. But of late years the quality of the grey baft imported has improved very greatly and much of it now is of a high quality, and is comparatively expensive, consequently the duty of one penny per pound gross is now very low compared with the *ad valorem* duty on other woven goods. It will be fair and will create no hardship to increase the duty to twopence per pound gross. The increase of revenue which it is estimated will be produced is £15,000 *per annum*.

To sum up, the proposals are to increase the duty on ale, beer, cider, perry, porter and stout from sixpence to one shilling a gallon, the estimated increase in revenue being £20,000: to increase the duty on motor spirit from threepence to sixpence a gallon, producing an estimated increased revenue of £50,000: to increase the duty on sparkling wine from 4s. a gallon to 8s. and on still wine from 2s. 6d. to 5s., producing an estimated increase in revenue of £15,000: to increase the duty on grey baft from one penny per pound gross to twopence per pound gross producing an increased duty of £15,000, the total estimated increase being £100,000, a sum, Sir, which is very badly needed to enable as little check as possible to be put upon the development of the country.

In conclusion, Sir, I should like to say that I hope I have convinced Honourable Members of the necessity of increased taxation, and if that is so the Government will welcome constructive criticism, that is to say if any Member can put forward suggestions by which additional revenue can be raised by legitimate taxation, it will receive the very careful consideration of Government.

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

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul:) May I ask for information as to whether this Government by Treaty or otherwise is precluded from the consideration of any question of preference in regard to the productions of the British Empire?

The Hon. the Acting Chief Secretary to the Government: Yes, Sir, we are precluded.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse): I do not know, Sir, whether Government has considered the necessity of strengthening the Preventive Service between Nigeria and the French frontier in order to carry out the provisions of this Order?

The Hon. the Acting Chief Secretary to the Government: That matter, Sir, is receiving the very close consideration of the Government at the present time.

His Excellency: If no other member wishes to address the Council I will put the motion to the House that Order in Council (No. 4 of 1929) presented by the Chief Secretary be consented to by this Council.

The resolution was carried unanimously.

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

“Be it resolved: That, this Council consent to the Order in Council (No. 5 of 1929) made by the Governor in Council under section 12 of the Customs Tariff Ordinance, 1924, on the 21st day of January, 1929, in so far as the said Order relates to the Colony and to the Southern Provinces of the Protectorate.”

This Order in Council, Sir, does two things; first, it substitutes an improved wording for the present wording of item 33 (c) of the Customs Tariff. It does not alter the rate of duty which remains at threepence the imperial gallon. The present wording is “non-potable methylated and other non-potable spirits ... the Imperial gallon threepence,” and it is proposed to alter this to “Methylated and non-potable spirits not otherwise specified ... the Imperial gallon, threepence.”

I should mention in this connexion that the Customs Regulations have just been altered in such a way as to prohibit the importation of methylated spirit, unless it has been rendered non-potable. This is because there is some indication of a tendency to misuse methylated spirit by drinking it, and I am sure Honourable Members will agree that that is a thing which must be nipped in the bud.

Secondly, the Order in Council extends to all Consular officers of the United States the privilege as regards exemption from customs duties which was granted to the Consul of the United

States by an Order in Council approved by this Council at its last Session. This, Sir, is because there is now a Vice-Consul for the United States who is also a Consul de Carriere. I beg, Sir, to move the resolution standing in my name.

The resolution was carried unanimously.

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

“ Be it resolved: That, this Council do approve the granting of £500 a year for five years as from the 1st April, 1929, to the International Institute of African Languages and Cultures.”

Honourable Members will recollect, Sir, that two years ago this Council unanimously voted a grant of £500 a year for two years to the International Institute of African Languages and Cultures. The reasons for the formation of that institute and the objects of the institute were then fully explained, and I need not reiterate that explanation in detail. It will be found on pages 29-30 of the Hansard of February, 1927.

Lord Lugard is Chairman of the Executive Council of the institute and he has written out asking that the generous grant voted by this Council should be continued for another five years in order to enable the work which was started to be carried on. Lord Lugard writes as follows:—

“ We are making good progress along several lines—languages (selection of the fittest for survival), vernacular literature (text books, etc.), and I hope now to take up the ‘cultural’—sociological and study of Native institutions, etc.—in some practical and useful way.”

Nigeria, Sir, is of course one of the countries in which the institute takes a special interest and its Director, Professor Westermann, is to pay us a visit at an early date. I trust Honourable Members will agree that the proposed contribution is one that this Council can properly make. I beg, Sir, to move the motion standing in my name.

His Honour the Lieutenant-Governor, Northern Provinces:

Your Excellency, I should like to second this motion. I think most of us know that this institute is an International Institute and the people who are mainly concerned in it are people of very great eminence indeed in Europe, and the work they are doing cannot fail to be of great advantage to Africa and Africans, and therefore I do not think that there is any doubt that it is well worth the while of this country to contribute to this institute.

The motion was carried unanimously.

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

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

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

The motion was carried unanimously.

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

Your Excellency, the motion that I now rise to move is the direct outcome of the reply given by the Acting Chief Secretary to a question I put at the last Session of this Council. I refer to question No. 9 (b). I then asked whether it is the intention of the Government to confer any judicial functions on Native Chiefs in the Colony, and to that question I received the reply that the matter was receiving the consideration of the Government. I must say that when I asked that question, about which there had been rumours, I certainly expected an answer in the negative, and I merely asked the question to afford the Government an opportunity of giving official denial to the rumour that was then current. But to my great surprise the Honourable the Acting Chief Secretary to the Government admitted that the matter was under the consideration of Government, and as one does not know how that

consideration is likely to take shape or what form that consideration is likely to take, I think Honourable Members will agree with me that my motion is not untimely. I may at once say this, in order to dispel some misapprehensions in the minds of Honourable Members representing Provinces like Oyo and Abeokuta, that the motion I now rise to move is not designed as a general attack upon the Native Courts (hear, hear). It may be defended that it is necessary to have Native Courts in such places as Abeokuta or Oyo. I have expressed my opinion on more than one occasion in this Council on the merits, or demerits of that institution, and if occasion arises I hope to do so again in the near future, but as far as this motion is concerned it is directed against the extension of Native Courts to the Colony. Honourable Members will remember that at the Session of the Council in April, 1927, the Government introduced a Bill for the purpose of extending the Native Courts Ordinance as well as the Native Authorities Ordinance to the Colony. That measure met with the unanimous opposition of the Unofficial Members of this Council, in consequence of which His Excellency decided that the Bill was to be held over pending the pleasure of the Secretary of State for the Colonies. Nothing has been done since, but I may say this that I know for a fact that this measure had been under consideration for a very long time, because I remember about twelve years ago Lord Lugard, then Sir Frederick Lugard, Governor-General of Nigeria, invited certain gentlemen to express their opinion on the advisability of founding Native Courts in the Colony. If I remember rightly, the Honourable Member for the Colony Division was one of them, the Honourable Member for the Egba Division another, and Mr. Henry Carr, Dr. Obasa and myself had the honour to be included.

As far as I can remember, the Honourable Member for the Colony Division, Mr. Henry Carr and myself strongly opposed that scheme and it was dropped. I think the Honourable Member for the Egba Division and Dr. Obasa very ably supported it, but, however, it was dropped, and nothing was heard of it until, as I have said, in the year 1927 when the Ordinance referred to was introduced by the Honourable the Acting Chief Secretary to the Government in his capacity as Attorney-General. I have been reading the Hansard of that Session, and the debate makes very interesting reading, particularly the speech of the then Honourable Acting Secretary for Native Affairs, Mr. Tomlinson, who I think, was then the principal spokesman on behalf of the Government. With your permission, Sir, I should like to read just a short passage of his very illuminating address:—

“Turning now to possible objections to the application of the Native Courts Ordinance to the Colony—it may be asked: why, in a Supreme Court area, should you trouble to introduce Native Courts? The answer to that is simply this. Looked at from the point of view of the Supreme Court it is obviously absurd that the Supreme Court should be encumbered with a mass of petty cases, many of them of a character which can far more efficiently and easily be dealt with by persons who are thoroughly conversant with native custom and tribal affairs. I refer particularly to those cases which the Honourable the Attorney-General mentioned—cases connected with dowries and other matrimonial matters, and with inheritance.

“The second answer is this. It is proposed to do here as we do in England—that is to say to enable persons duly qualified on the spot to take a share in the minor administration of justice. It is to be precisely the same here as in English boroughs, where you have borough magistrates sitting in petty sessions, and in County areas where you have magistrates sitting in quarter sessions. It does not imply any disrespect to the High Court in England that minor cases are dealt with by persons who have not received any legal training but who have been born on the spot and are acquainted with local affairs. That will be the position when you have Native Courts operating in the Colony. Not only that. It must also be remembered that the Supreme Court and the Native Courts will have concurrent jurisdiction. There is nothing to compel an applicant to go to the Native Court if he prefers the Supreme Court.”

That, Sir, I think represents the official view of the desirability of introducing Native Courts to the Colony. The first question that comes to one's mind is this: if this Native Court is to be a Court of concurrent jurisdiction what is the use of it? Does the

complainant, or the plaintiff, understand that I will have a right to elect to say "I am going to the Native Court"? What then is to happen to the defendant? Supposing the defendant says "I prefer the Supreme Court"? That will be a preliminary point to be settled. It shows at once that there is absolutely no necessity, so far as the Colony is concerned, for the establishment of the Native Court.

Another point is this: much has been made about the trial of dowry cases and cases of inheritance. It would be very interesting to have figures to show how many dowry cases do come up before the Supreme Court annually. I think you will find that the percentage is very low. Further I submit the present system adopted by the Supreme Court in trying tribal cases is much preferable to that which would obtain before the Native Court. What happens at present? Whenever a dowry case comes before the Supreme Court, it is invariably referred to, say, one of the Registrars of the Court, or to the Interpreter, who as a rule has a very wide experience of native customs. He acts as a referee; he takes evidence, and submits his findings to the Judge. The Judge then carefully considers those findings and on them the judgment is given, and in nine cases out of ten, you will find that the judgment confirms the findings of the referee. I say, Sir, that that is a perfectly proper thing and everyone is contented with the present procedure.

Again, take the case of inheritance to which reference has already been made. I am sure that many a man in Lagos would very much regret it if questions affecting their inheritance were to be transferred to Native Courts, if such were established. I think, Sir, the Supreme Court has done more to elucidate the native law relating to inheritance than the whole of the Chiefs put together (applause).

Your Excellency, there appears to be some idea current that when a member gets up to oppose the establishment of Native Courts, he is really bent upon deriding his Chiefs. I submit that this is not so. We oppose a measure like this because we feel that it will do more harm than good and because we believe that those Chiefs whom you intend to entrust with power are not as yet ripe for this purpose. I hope the Honourable Member for the Colony Division will take part in this debate. He is the leader of the Bar and he has had varied experience. He is surely entitled to speak with authority, and I know as a fact that quite recently his great experience has been added to in a famous enquiry that has taken place elsewhere. Your Excellency, I should like to read a passage from the speech of the Honourable Member for the Colony Division:—

" We have to begin at some time or other. But to refer to our Chiefs: I am not sure at all that in those places you will find a body of men capable of administering justice. I am not running down my countrymen at all, but I am certain you will not find at Badagry the class of people to whom you could safely entrust the administration of justice, and I am equally certain that you will not find such at Epe and Ejinrin. Epe and Ejinrin have very mixed populations; whom will you call Chiefs there?"

I have read to Honourable Members of this Council the speech which I say represented the official view of the Government on that occasion, and I can assure you, Sir, that the opposition to the introduction of the Native Courts Ordinance has not abated; if anything it has grown, particularly amongst the community of Lagos. As I have said before, the introduction of Native Courts will do more harm than good.

It is suggested by some people that the idea of having Native Courts is because Government wants to train the Chiefs in self-government. I must say that that does not appeal to me. You seem to be beginning at the wrong end. If you want to train Chiefs in self-government I submit that you should not begin with such an important matter as the administration of justice. We know from former experience that in many of the Native Courts litigants are very often dissatisfied, and they go there simply because they cannot help it. I do strongly appeal to the Government not to tamper with the administration of justice in this Colony. It has been the proud privilege of the people of the Colony for the past seventy years to enjoy British justice, and it has become their proud heritage, and any attempt to interfere

with that will, I submit, meet with strong opposition, not only in this Council, but amongst the members of the public generally.

I therefore appeal to the Government to desist—if they had any intention of doing so—from introducing Native Courts into the Colony, because, in the first place I believe it will do more harm than good, and in the second place I think it will be an infringement of the rights of the people, and in the last place because it is a retrograde step and quite unnecessary. (Applause.)

The Hon. the Third Lagos Member (Mr. T. A. Doherty): I beg to second the motion, Your Excellency. It is not my intention to make any speech, but I wish simply to support the motion and to say that I am in entire agreement with everything that has been said by the Honourable the Second Lagos Member (Mr. E. O. Moore).

The Hon. the Member for Calabar (Mr. C. W. Clinton): Your Excellency and Honourable Members. I was not prepared to speak in support of this motion in that I had notice of it only yesterday, but I feel bound to say something in support of it in view of certain questions which have been put in the Council and certain facts which I have elicited from those questions. My one great point regards the Native Courts is this: that litigants in the Native Courts are not allowed to enter any appeal against any judgment given in the Native Court, and I consider that that is a position of affairs which is very grave indeed. It is a very serious affair to a man who has a matter in Court to go to Court and be subject to the decisions of illiterate people—most of them are illiterate in the Native Court and inexperienced as regards the administration of justice—and then to have a decision from which he cannot appeal.

To illustrate that I should like to read a question which I put to this Council, question 38:—

“ 38. In view of the fact that in a judgment by His Honour Mr. Justice Tew given recently on an application for a Writ of Habeas Corpus on behalf of B. E. Nzekwu of Onitsha it is seenly that there being no right of appeal from a decision of the Native Court, that the Magistrate who has certain powers to suspend or modify judgments of the Native Court, being under no obligation to exercise his powers if not so inclined, there exists no means of rectifying a decision of a Native Court (where the Court acts within its jurisdiction) however erroneous and grossly unjust, that in this case Nzekwu served two months of the twelve to which he was sentenced by the Court before the order of Mr. Justice Tew set him free whether the Government will consider the advisability in the interest of the better administration of justice that persons charged and other litigants in these Courts be granted as of right the privilege of appeal to a Court of competent literate and legal ability and bail pending appeal ?”

Well, that is a position of affairs when a man was brought before a Native Court, and the Court was wrong, and gave him a year's imprisonment. There is nothing in the Ordinance, there is no provision, whereby he can go to a competent person and say I have a right to appeal. He has no right. He can go to a magistrate and say “ here is a judgment which is wrong ”. In the majority of cases the magistrates agree with the judgments given, and Mr. Justice Tew need not have interferred with this judgment at all; he might have said “ I do not wish to interfere.” I submit that a position of affairs like that is very serious, and but for the fact that the Native Court in that case did not act within their jurisdiction and went outside the case altogether, Mr. Justice Tew could have done nothing, although the judgment given was wrong.

Now that is the position of litigants before the Native Court, and I submit that that position ought to be rectified. I quite understand the people of Lagos being concerned about being put in a position like that. Again there is another question which I put to Government, question 37, which I will read:—

“ 37. Whether, in view of the fact that during the last two years numerous cases (a list of which can be supplied for verification) accused persons in the Provincial Courts have had to serve long terms of imprisonment before their convictions have, upon petition, been discovered to have been

“erroneous and unwarranted by the evidence, the Government will consider the advisability in the interest of the better administration of justice to natives in the Protectorate of persons charged in these Courts being granted as of right leave to appeal by way of stated cases or otherwise and the advantage of bail pending appeal as obtains in cases of convictions in the Supreme Courts?”

Now, Your Excellency, I support Mr. Moore, and say that where the people in Lagos have enjoyed the privilege of British justice, understand it, and have been under it for over seventy years, it would certainly be a very sad affair for them to have to go before a lot of Native Chiefs, who, because it is said they must learn how to administer justice, would sit there and deal with cases in an unsatisfactory manner. I think the people of Lagos deserve the sympathy of the Council when they say they are concerned about the extension of that system in Lagos, and I therefore beg to support the motion. (Applause.)

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): Your Excellency, I should like to say one word. I think if anything, Mr. Moore was a little too mild in the language he used. After my own experience of seventeen years in Lagos I would say that the imposition of Native Courts in the Colony would not only be a retrograde step, it would be an iniquitous one.

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones): Your Excellency, I wish to endorse the remarks that have fallen from the Honourable the Second Lagos Member (Mr. E. O. Moore) in favour of this motion. It will be remembered, Sir, as he reminded us, that a Bill was brought here with the intention of introducing or extending Native Courts to the area of the Colony outside the municipal area of Lagos. At that time the Honourable the Secretary for Native Affairs, speaking in favour of that Bill, attempted to make an analogy between the system, if it were allowed to come into force, and that obtaining in England. It was pointed out then, Sir, that that analogy could not be sustained, because in the Courts to which he was referring in England, solicitors are allowed to practise, and I am sure that permission would not be extended here. Now, Sir, I am appealing to you not to look upon our remarks somewhat as an opposition to an attempt of the Executive to introduce the system, but to look upon our remarks as if each Unofficial Member were delivering to the Government a message from our people.

The Government maintain that the Chiefs are willing to take upon themselves this responsibility, but I submit that that should not be the consideration in this case. It should be whether or not the community who will have to go before them are willing that the Chiefs should adjudicate in their cases, and unless there is an assurance that the community is willing, I am afraid the introduction of that measure would not go any way in establishing that peace and harmony which we are all working for in this country. One more word, Sir. The Government may contend that the introduction of that system will be a source of training in self-government, or in the administration of justice—I think one of the Official Members has said this here. We here are all anxious that Africans should be educated and trained, but if that training is to be effective I think it should be done first by making a provision by which the sons of Chiefs would be educated, and if they succeed their fathers in the ordinary course of years they will perhaps have experience in the principles and practice of justice, for a higher civilisation will be theirs by their training, and they will be in a better position than obtains at the present time for taking up those responsibilities. With these few remarks I beg to endorse the words that have fallen from the Honourable Member in support of the motion. (Applause.)

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): Your Excellency, I am not quite sure whether it is the intention of Government to introduce a measure whereby Native Courts would be imposed on the Colony, but if, as my honourable friend has said, it is under consideration, then I would say let it be under consideration for many years to come if not forever. (Laughter.) But it is only fair for me not to sit down, Sir, until I have asked you to consider who will be the persons to come before those Native Courts. Mr. Henry Carr was born and bred

in Lagos: do you wish him to be subject to the Native Courts? Is it your will that Bishop Oluwole should be subject to their jurisdiction? Do you wish me to be subject to their jurisdiction? (Applause.)

What qualifications will those Native Chiefs have? When I first began to practise in Lagos, I wondered and I am still wondering where they got their knowledge of native law from; it was pure imagination and nothing more. I asked one Chief whom I knew very well at the time "where did you get your qualifications to speak on native law?" He could not answer me. I know very well that the Chiefs have never sat in any council to try native cases. It is the case all over Lagos. There was a time in the days of King Docemo and Oyekan when courts were held, but if people liked, they could go to the Supreme Court. There is not a single Chief here to-day, except one man whom I do know, who has the slightest knowledge of native law; in every case except in that of this one particular person, it is imagination.

There is a case which presents itself to my mind in which those who were called in to give evidence on native law, deliberately misled the Court; the case went to the Appeal Court, and the Appeal Court failed to uphold the judgment of the Court. The parties concerned were not able to go to the Privy Council and there is only one way in which that case can be rectified and the thing set right, and that is by legislation. This was a case in which Chiefs were concerned, and they all came to Court and deliberately lied to suit their own ends.

The chief thing is the question of qualifications, and as I said, the Chiefs here are without qualifications. It is a different thing up North where there is a written law and people have substantial things to put before the Courts on which they can rely. You have there, Sir, people used to their own laws and customs for years, for centuries, but, considering that 150 years ago Lagos was nothing but a swamp, what traditions have we behind us? None whatever. Our laws are drafted on English laws. If that is so, Sir, what is the use for changing—I am not for one moment suggesting that Government is considering a change—but why not leave things as they are? Why entertain the idea of introducing Native Law in this place? Those of us who practise outside Lagos know what it is, and I am sure the Government do not know that it is only thanks to the interference of the Resident that enables justice to be administered.

I am afraid, Sir, that everybody in Lagos, I do not care what his politics or his ideas may be, will unanimously support the motion put up by my honourable friend, if it is at all within the contemplation of Government to introduce Native Administration here. I put it to you solemnly, Sir, to consider what it will mean to subject us to native jurisdiction. I was born and bred in Lagos and I am proud of it, but what possible grounds could there be for making a difference between me and an *aluru* in the street? Is it fair to subject me to a body of men who know nothing whatever about justice? It would be iniquitous.

I remember Lord Lugard on one occasion when a member of this Council, the late Mr. Sapara Williams, spoke in favour of Native Courts, saying before the speech was finished: "Do you wish to subject the Right Reverend Bishop Oluwole to the jurisdiction of Native Courts in this country? Can you answer me that?" Mr. Williams had to admit "no". I have too much faith in the wisdom of Government to think they will go further than to consider the matter: I am sure they will never do so. (Applause.)

The Hon. the Acting Chief Secretary to the Government: I wish, Sir, to give the Honourable Member who has moved this resolution and those who have supported him an assurance which I hope will satisfy him and them. The Government has, at the present time, no intention of reintroducing legislation to give Native Chiefs judicial functions in the Colony (hear, hear). I say, Sir, that Government has no intention at the present time. It cannot of course bind its successors in office, and it is not prepared to agree to this resolution going forward as a resolution of this Council, because it is inappropriate that Council should seek to bind Governments for all or for a considerable time on this matter. As Honourable Members are aware, some two years ago a Bill was introduced in this Council, but in deference to the strong opposition that was shown, it was withdrawn. Naturally, however, Government has continued to have the matter under consideration. That

consideration has now crystallised and taken the form which I think will commend itself at any rate to the Honourable the First Lagos Member (Dr. C. C. Adeniyi-Jones) if the questions he asked are taken as an indication. The Government has under consideration the question of the appointment of Justices of the Peace in the Colony. (Hear, hear.) Members know that in England this system is one of which the country is very proud, and Government thinks that the Judiciary here might get a certain amount of assistance by appointing suitable members of the public, whether European or African, whether Chiefs or not, as Justices of the Peace. The proposals in that respect are not ripe for the consideration of this Council, but it is hoped they will be brought forward in due course. In saying that I repeat the assurance that Government is not now considering the introduction of legislation on the lines which Honourable Members have so emphatically indicated is objectionable to them, but as I say, the Government cannot agree to this resolution going forward and standing upon the records of this Council. I trust that the Honourable Member will be satisfied with the assurance I have given, and perhaps he will think in view of that assurance that it is not worth his while to press the resolution to a division; if he does, as I have already said, Government will be bound to resist it.

The Hon. the Second Lagos Member (Mr. E. O. Moore): Your Excellency, in view of the assurance given by the Honourable the Chief Secretary to the Government, I beg to withdraw my motion.

The motion was by leave withdrawn.

BILLS.

THE LABOUR ORDINANCE, 1929.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary to the Government, a Bill entitled "An Ordinance to provide a Labour Code for Nigeria" was read a first time, and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1929.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Director of Marine, a Bill entitled "The Shipping and Navigation (Amendment) Ordinance, 1929" was read a first time and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE LIQUOR (AMENDMENT) ORDINANCE, 1929.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Comptroller of Customs, a Bill entitled "The Liquor (Amendment) Ordinance, 1929" was read a first time and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE LEGITIMACY ORDINANCE, 1929.

On the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Administrator of the Colony, a Bill entitled "An Ordinance to amend the law relating to children born out of wedlock" was read a first time and the Honourable the Acting Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE 1929-1930 SUPPLY ORDINANCE, 1929.

On the motion of the Honourable the Acting Chief Secretary to the Government, seconded by the Honourable the Treasurer, a Bill entitled "An Ordinance to provide for the Service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and thirty" was read a first time and the Honourable the Acting Chief Secretary to the Government gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE MOHAMMADU YAJI (DETENTION) ORDINANCE, 1929.

The Hon. the Acting Attorney-General: I rise, Sir, to move that a Bill entitled "An Ordinance to provide for the detention of Mohamadu Yaji, the Ex-Sarkin of Madagali" be read a first time. The reading of this Bill, Sir, for the first time to-day is in order, in view of the fact that it has been published to-day in the Gazette and Your Excellency has certified that it is of an urgent character.

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

Bill read a first time.

The Hon. the Acting Attorney-General: I beg to move, Sir, that Standing Order 23 be suspended in order to permit of a Bill entitled "An Ordinance to provide for the detention of Mohamadu Yaji, the Ex-Sarkin of Madagali" to be read a second time forthwith.

I may say in regard to the suspension of this Standing Order that the whole object of this Bill might be defeated if the person to whom the Ordinance is to be applied gets to hear of its introduction; therefore it is a matter of urgent necessity that this Ordinance should be passed forthwith.

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

Standing Orders suspended.

The Hon. the Acting Attorney-General: I beg to move formally that a Bill entitled "An Ordinance to provide for the detention of Mohamadu Yaji, Ex-Sarkin of Madagali" be read a second time.

The person for whom this particular legislation has been drafted is the ex-Chief of the District of Madagali in the Adamawa Province. This person for a long time had been guilty of mal-administration and intrigues against the Government connected somewhat with religious movements, and in the latter part of 1927 he was removed from office with the sanction of the Governor, and the Deposed Chiefs Ordinance was applied to him, under the terms of one of the clauses of which he was removed to Sokoto.

Now it has come to the knowledge of Government that Sokoto is not a suitable resting place for this person in view of its close proximity to the French frontier, which proximity might enable him to escape and get back to the Adamawa Province where he might renew his former activities. In these circumstances, the Government consider that Kaduna would be a better resting place for this person, and therefore this Ordinance which is very similar to one which this Council passed in 1924 for the detention of a person called Mallam Saïd, is put forward. The only difference between the two is that Mallam Saïd had not been dealt with under the Deposed Chiefs Ordinance; this person has, and so the wording is slightly different. I think Honourable Members will agree with me that Kaduna would be a more suitable place for this person than Sokoto, and I therefore ask you to vote for the second reading of this Bill.

His Honour the Lieutenant-Governor, Northern Provinces: I beg to second the motion for the second reading of the Bill.

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

Bill read a second time.

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

Council in Committee.

Clause 2.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Before leaving Clause 2, I would like to ask whether the effect of that clause would be that you were not able to prevent imprisonment in the event of any penal offence being committed by this particular person?

The Hon. the Acting Attorney-General: I don't think it would. He cannot be imprisoned under the terms of this Ordinance, but it does not say he cannot be imprisoned if he commits burglary or some other felony like that.

Bill passed through Committee.

The Hon. the Acting Attorney-General: Sir, I beg leave to move that Council do now resume.

Council resumed.

The Hon. the Acting Attorney-General: Sir, I beg leave to move that a Bill entitled "An Ordinance to provide for the appointment of Mohammadu Yaji, the Ex-Sarkin of Madagali" be read a third time and passed.

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

The Bill was passed unanimously.

His Excellency: That finishes our business for this morning, and I suggest if it is agreeable to Honourable Members that we might start on the second reading of the Supply Bill this afternoon. Council will adjourn until 2.30 p.m.

Council adjourned at 12.45 p.m.

Council resumed at 2.30 p.m.

The Hon. the Acting Chief Secretary to the Government: I beg, Sir, to move that Standing Order 23 be suspended in order to enable a Bill entitled "An Ordinance to provide for the Service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and thirty" to be read a second time at the present sitting of Council.

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

Standing Orders suspended.

The Hon. the Acting Chief Secretary to the Government: I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to provide for the Service of the Colony and Protectorate of Nigeria for the year ending one thousand nine hundred and thirty."

I am afraid, Sir, that I must have wearied Honourable Members with my remarks this morning in explaining the necessity for an increase in taxation, but Honourable Members will have the compensating advantage this afternoon that the remarks I have to make in introducing the budget will be correspondingly curtailed. Although I went fully into the financial position this morning, there are a few matters which I must mention in addition.

First of all, I must give the figures of the financial position as they are altered by the Order in Council which was approved this morning. The estimated additional revenue which will be derived from the increase in customs duties is £100,000 in a full year. I will take the figure of £16,000 as a fair estimate for the remaining two months of the current financial year. The financial position is fully explained on the first few pages of the Memorandum upon the draft Estimates, and I need not add to it, but these are the figures as they are altered by the Order in Council which was approved this morning.

The true surplus on 31st March, 1928, was £5,55,259. The revised estimated expenditure for the current year is £7,179,350, and the revised estimate of revenue for the current year, including £16,000 from increased taxation is £6,016,372, making the estimated deficit on the year's working £1,162,478. Deducting this from the surplus balance at the beginning of the year we get £4,49,781 as the estimated surplus balance on the 31st March, 1929. The total estimated expenditure during 1929-1930 is £7,189,369, and the revised estimate of revenue, including £100,000 for increased taxation is £6,398,171, making the estimated deficit on the next financial year's working £791,698. Deducting this from £4,492,781, the estimated surplus balance on

the 31st March, 1930, we get £3,701,083, as the estimated surplus balance on the 31st of March, 1930, say in round figures £3,700,000, or £200,000 more than the minimum of three and a half million pounds which we have set ourselves as the proper minimum to maintain.

Of course this is only an estimate, and experience shows that in fact in any year actual expenditure shows a saving upon the estimated expenditure, whilst estimated revenue is usually exceeded, so that it will no occasion any surprise if in fact on the 31st March, 1930, our excess of assets over liabilities, that is to say our surplus, is still in excess of £4,000,000. I have said our estimated expenditure in 1928-1930 amounts to £7,189,869, and there is one point which I wish to emphasise in regard to this figure. It includes no less than £1,067,968 in respect of charges on account of Public Debt. Now that is a very large figure, but the point about it is that we are providing annually not only for the payment of interest upon our debt but also for the complete amortisation of all our loans as they fall due and not merely for repayment when we have got to pay, but in the case of the loans bearing a high rate of interest for payment at the earliest date on which we are entitled to pay. This is undoubtedly a sound policy because some of these loans were raised at a time when money was far more expensive than it is to-day. The result is that our finances stand on the firmest of foundations and we can look forward with equanimity to the time when our loans fall due for repayment. There will be no need to look round for ways and means to find money to repay our debts; the money will just be there to be paid out when it is required.

But though this heavy annual contribution to the Sinking Fund places us in the happy position I have indicated as regards the repayment of our loans, there is no getting away from the fact that it causes an uncomfortable swelling in our annual expenditure. We have therefore to review the position very carefully before we undertake any fresh loan commitments. This careful review has duly taken place and we have decided that we are justified in going to the money market in the near future for a further loan of £5,000,000, and it will be necessary to call this Council together again at an early date in order to pass the necessary legislation. The figure of £1,067,968 which I have mentioned as the estimated expenditure for next year in respect of charges on account of public debt includes the sum of £237,500 in respect of interest on the proposed new loan. The new loan, therefore, will not cause any increase in that sum of £1,067,968 as provision in respect of the new loan is already included in that sum.

We, of course, anticipate an increased revenue from the investment of such part of the loan as is not required for immediate use, and this also is shown under Head 7 of the Revenue Estimates.

I am not going to enter into details of the Estimates of expenditure, but I must draw Honourable Members' attention to the reprint of the Public Works Extraordinary Estimates which has been put into their hands to replace pages 85-95 of the draft Estimates. The reason for this is that owing to the necessity for economy, the position as to revenue has so materially changed since the original Estimates were printed that I thought it was only right that Honourable Members should have before them the latest figures available, and our work in Select Committee will be facilitated if we work upon the revised figures instead of upon the original ones. Honourable Members will see that the final total remains the same, namely £918,244. When I mention again that whereas the original estimated deficit of the financial year 1928-29 was over £1,660,000 which by dint of economy has been reduced to just over £1,160,000, and the estimate for next year is only just over £790,000, Honourable Members will realise that this reduction has only been achieved by dint of keeping an eagle eye upon every item of expenditure, and especially by drastic cuts in the programme of Public Works Extraordinary. The items under that Head will, of course, be subjected to close scrutiny in Select Committee, and I shall have to ask Members not to press for the inclusion of fresh items, however desirable they may be. There are only a few items which I propose to mention now.

The first is new item 15—Yaba Development Scheme for which £17,475 is provided. Honourable Members are aware that Government has sunk a considerable sum in what is called the Yaba Estate and that so far but little return has been derived, and the object of the scheme—the relief of congestion in Lagos—has not yet been

achieved; but an unobtrusive notice which appeared in last week's Gazette seems to have escaped the attention it deserves, and its significance has not yet been realised. The notice, number 27 in last week's Gazette, reads:—

YABA ESTATE.

“ It is brought to the notice of the public that building plots are available at Yaba and will be leased on terms to be obtained by application to the Commissioner of Lands. Arrangements can be made whereby lessees may purchase the freehold on fulfilment of the building covenants contained in their leases.”

In other words the Secretary of State has now approved the granting of freehold at Yaba (applause). But of course it will not be granted to those people who merely wish to secure leasehold land and to hold on to it for speculation without building. It will be necessary to take up leasehold building titles first with the guarantee that as soon as the building covenants have been fulfilled, a freehold title will be granted. In view of this material alteration of the position, I hope that Honourable Members will agree that the Government must persevere with the development of its estate at Yaba, and that there are good grounds for anticipating a substantial return in the future.

The next item I wish to mention is new item 20—Mental Hospital at Abeokuta. Honourable Members will see that it has been inserted without any estimate of cost, and without the provision of any funds during the year. The point of the insertion is to indicate that Government does intend as early as possible to make other and better provision for the care and treatment of lunatics in Nigeria. Expenditure on lunatic asylums is unremunerative and is apt to be postponed as long as possible but the time has come when it cannot be delayed any longer in this country. Your Excellency mentioned in introducing the budget last year that an alienist had been added to the staff of the Medical Department. In due course his recommendations were received, and the main one was the erection of a costly mental hospital, and Abeokuta was suggested, and has been approved, as the appropriate location. But the building proposals and the scale generally of the recommendations were far more costly than the Government is justified at the present time in asking this Council to vote the required money for. The alienist has gone on leave and upon his return steps will be taken to prepare a more modest scheme, and there the matter rests for the present.

The only other item I need mention is former item number 50 of 1927-1928 (Northern Provinces)—bridge over the Kaduna River at Kaduna. The present bridge serves the dual purpose of both railway bridge and general traffic bridge. Traffic over it, both railway and motor, is greatly on the increase, and urgent representations have been received both from His Honour the Lieutenant-Governor of the Northern Provinces and the Honourable the General Manager of the Railway, that the inconvenience and danger of the present system cannot be allowed to continue. Consequently it is considered that the building of a new bridge cannot be postponed any longer, and £10,000 will be found inserted in the estimates for 1929-1930.

There is one other matter I wish to mention. At present mention of it in the draft Estimates is conspicuous by its absence. I refer to aviation. I think all Honourable Members will agree that the time has come when this Government must do something in this connexion. It was one of the first and to my mind one of the most important subjects which came up for consideration before the Communications Board, to the birth of which you have referred, Sir, in your Address. It is not difficult to envisage that in the future aviation will demand a head of the Estimates in itself, and will prove a hungry fledgling, but for the present we must be content with a modest scheme. What we principally want in the first instance is advice on the many problems in connexion with aviation which are now arising, and with which Government finds it difficult to deal without competent advice. On the suggestion of the Communications Board, the matter has been placed in the hands of the Director of Marine who has willingly added these duties to his other multifarious duties, and it is proposed to suggest to Honourable Members in Select Committee that a sum of £5,000 be inserted in the Estimates in order to enable a start to be made in connexion with this subject. The details will of course be explained and it will be left to Honourable Members to decide whether or not this money shall be provided.

Turning now for a moment to the revenue, I will invite Honourable Members' attention to the fact that with one unimportant exception every single item shows an increase, and the total net increase is no less than £523,210. That is without taking into consideration the increase in customs duties approved this morning. I must also remark upon the very gratifying result of the new taxes imposed in the hitherto untaxed Provinces in the South. In the current year the estimate has been largely exceeded, and it has been possible to increase the estimate for Southern Provinces' taxes for next year by no less than £42,000.

Referring, Sir, to the Bill itself, I need only say that it is in the same form as last year, and I would remind Honourable Unofficial Members that it is now upon the motion for the second reading, that it is hoped they will each make their budget speech, so that the Select Committee may have before it the views of all Members on the many activities of Government.

I beg, Sir, to move that the Bill be read a second time. (Applause.)

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

His Excellency: If any Member is prepared to speak it will be quite convenient for him to do so now so as to save time. If you wish to postpone the debate until to-morrow morning, I am quite agreeable, but if any Member is prepared, there is no reason why he should not speak now.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): Your Excellency, some of the Unofficial Members only arrived yesterday and they have not had time to study the Estimates before this meeting of Council. I therefore rise to ask Your Excellency to put off the discussion until later as those who come from the Provinces did not see the Estimates until they arrived here. I only ask you to postpone the debate until to-morrow morning.

His Excellency: Of course I quite realise that some Members from the South may not have had time to study the Estimates, but that does not apply to Members in Lagos who received the Estimates ten days ago. I should like an indication whether it is the general feeling to postpone the debate until to-morrow morning, or to carry on this afternoon.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I think, Sir, it is the general wish if Your Excellency will allow it, to adjourn the discussion until to-morrow morning.

His Excellency: You have no doubt sounded your colleagues on the matter?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): So far as I can gather, Sir, that is the general feeling.

His Excellency: Very well, Council will adjourn until 10 a.m. to-morrow morning.

Council adjourned at 3 p.m.

- The Acting Administrator,
The Honourable Mr. G. H. Findlay.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, C.M.G.
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.
- The Director of Agriculture,
Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.
The Commissioner of Lands,
- The Hon. Cable Mr. G. B. Hedden.
Acting Postmaster-General,
- The First Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Ibo Division,
The Honourable Mr. I. O. Mba.
- The Second Lagos Member,

- The Commercial Member for Calabar,
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,
The Honourable Mr. Mark Appelle Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Commercial Member for Kano,
The Honourable Mr. J. W. Speer.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,
The Honourable Mr. G. W. Clinton.
- The Third Lagos Member,
The Honourable Mr. T. A. Doherty.
- The Banking Member,
The Honourable Mr. L. M. Herapath.
- The Member for Shipping, (Provisional)
The Honourable Mr. F. Bateman Jones.

ABSENT.

Adamawa Province.

- The Honourable Mr. ...
- The President, Adamawa Province,
The Honourable Major T. A. G. Budgett, M.C.
- The Member for the Colony Division,
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Mining Member,
The Honourable Mr. A. L. Butler.
- The Commercial Member for Port Harcourt (Provisional)
The Honourable Mr. P. H. Davey.

MINUTES.

The minutes of the meeting of the 31st January, 1929, having been printed and circulated to Honourable Members, were taken.

THE HON. THE FIRST LAGOS MEMBER (DR. C. A. ADENIYI):—

1. To ask whether it is a fact that certain officials of the Government Printing Department were in 1927 or 1928, involved in a charge of misappropriation of Government money or other Government property? If so,

(b) To ask:—

1. Who the officials were?
2. Whether they pleaded or were found guilty? And if they were guilty,
3. What action was taken by Government in the matter?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The charge was not one of misappropriation of Government money or of other Government property, but one of breaches of General Order 27, or of contravention of General Order 7.

(b) The officials were:—

Mr. W. H. de Boltz, Mr. F. C. Smith, Mr. C. J. Townley, and Mr. T. A. Thompson.

2. The first three were found guilty, and Mr. T. A. Thompson acquitted.
3. Mr. W. H. de Boltz was severely reprimanded and his personal allowance reduced by £20 *per annum*. Mr. Smith and Mr. Townley were censured.

THE HON. THE FIRST LAGOS MEMBER (DR. C. A. ADENIYI):—

2. To ask whether it is a fact that the Personal Allowance of the Government Printer was reduced in 1928? If so,

(b) To ask by what amount was it reduced? And considering that that official's personal allowance was increased some time ago on the recommendation of this Honourable Council,

(c) To ask for a statement of the reason, or reasons, which have been held to justify the reduction?

THE HON. THE ACTING CHIEF SECRETARY TO THE GOVERNMENT:—

(a) and (b) have been answered.

(c) The fact that Mr. de Boltz was found guilty of the charge preferred against him was considered by His Excellency in Council sufficient to warrant a reduction of his personal allowance.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

3. To ask the Honourable the Commissioner of Lands how soon will the general survey of Abeokuta Town be recommended completed and the results published?

THE HON. THE COMMISSIONER OF LANDS:—

The general survey of Abeokuta Town is still proceeding and has been in progress for some time.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

4. To ask whether Government is prepared to adhere to the statement made by His Excellency Sir Hugh Clifford in a speech at Abeokuta on the 2nd October, 1924, in respect to certain definite arrangements approved by the Secretary of State with reference to the Petition of the citizens of Abeokuta praying for a reform of their land tenure system (*vide Nigerian Times* 1/12/28)?

THE HON. THE COMMISSIONER OF LANDS:—

Sir Hugh Clifford's speech to which the Honourable Member refers appears to have been taken as foreshadowing more revolutionary changes as regards land tenure in Abeokuta than had been sanctioned by the Secretary of State.

The terms under which the Secretary of State consented to sale and mortgage of property in Abeokuta town are being adhered to and were made known to the Alake and Council. The Secretary of State did not consent to the sale of the property in Egbaland to non-Egbas or the foreclosure by aliens on mortgaged property and therefore in these respects the situation remains unchanged. Further proposals have been made to the Secretary of State and his reply is awaited.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

Arising out of that reply, may I ask what the further proposals are?

THE HON. THE COMMISSIONER OF LANDS:—

The proposals are still under the consideration of the Secretary of State.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

5. Considering the people's anxiety over the land tenure system whether a definite statement of policy can now be made and explanation given for the delay in carrying out the suggested reforms?

THE HON. THE COMMISSIONER OF LANDS:—

It is intended to open a Registry Office at Abeokuta as soon as staff is available. As regards other reforms I refer the Honourable Member to my reply to the previous question.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

6. That in view of the fact that the Native Administration of Abeokuta has expended over £3,000 on the Trunk Road passing through Abeokuta far in excess of Government grant of £650 during the last financial year which Government will now agree to pay, will the Government collect taxes on vehicles during the next financial year and will the number of vehicles in future to the Native Administration be reduced?

THE HON. THE ACTING SECRETARY

FOR THE GOVERNMENT

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

7. To ask the Director of Public Works whether there exists any contract between any private firm and his Department for the supply of timber logs (Mahogany, etc.) to his Department, and if so, how long is such an arrangement to continue?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

*There is no contract in existence with any private company for the supply of timber logs. Logs are purchased at the most advantageous price in the open market.

BILLS.

His Excellency: We will now resume the debate on the second reading of the Supply Bill, and I would again ask Honourable Members, when they address the Council, if they will be kind enough to come up to the table here for the convenience of everybody concerned.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Your Excellency, I have very little to say on the second reading of this Bill. I think that probably most of the things which have occurred to me as deserving of mention can be more suitably dealt with when we come down to the more friendly and informal discussion round the committee table. There are, however, one or two general points to which I should like to refer now, and first of all I should like to mention the arrangements which have been made to get over the difficulty of the Public Works carry over. It occurred to me a year ago when the Supply Bill came up that it was an unfortunate thing that we had to give to the financial world a false impression of our year's working in order to get over the practical difficulty which I believe is generally known as the Public Works carry over. I have read the explanation which has been given of the arrangements which are being made to meet that difficulty, and I hope that to a certain extent this year and to a greater extent in future years it will prevent that element in our budget which I think is most unfortunate. While I am dealing with the Public Works Department, I should like to express my satisfaction at the figures which the Honourable the Director of Public Works was able to give us as to contract work during the current year. It seems to me that having regard to the future commitments of Public Works Extraordinary expenditure to which this country and this Government is necessarily committed, there must be an increase in contract work being done on behalf of the Government. For many years I have been drawing attention to this and pressing for an increase in contract work. Various answers have been given: it has been said that there is a difficulty in getting suitable contractors to tender, and difficulty in getting those people who tender to carry out their contracts. Well, Sir, I have always regarded the Public Works Department itself—I may be wrong in so doing—in its relations to this Council as more or less a contractor, and having regard to the tenders which are made to this Council from year to year, and the amount by which performance falls short of these tenders, I don't think that that objection is really proper in the mouth of the Public Works Department.

Then yesterday we were told in answer to a question that the Consulting Engineers, in regard to a certain work which seemed to me eminently suitable for putting out to contract, had stated that it was more economical not to put it out to contract for the reason there were so few competitors in the field to contract for such work. My first observation upon that, Sir, would be to state that there would be more force in that advice if it had taken this form:—put it out to contract, ask for tenders, and then we shall advise you whether these tenders that have been received are such that you cannot entertain them. So far as I can gather from the answer to that question it seemed to me that the actual market for contracts did not seem to have been tested, and even if the Consulting Engineers are correct in what they say, that there are very few satisfactory contractors who would offer for contract work of this nature of Public Works Extraordinary, is not that position to-day simply the result of the fact that it is only recently that contracts for the Public Works Department have been to any large extent let out? I have not the slightest doubt that as this country becomes more opened up, and as it becomes known that it is the policy of the Government to let out as much as possible of their work to contract, you will find more contractors waking up and taking an interest in Nigeria, with a resulting saving in those personal emoluments which give some Unofficial Members in this Council serious food for consideration.

Now, Sir, I have seen on the Order Paper a resolution which is to be considered later dealing with the need for economy, and it is very probable that the general consideration of the matter such as must be involved in the discussion of that resolution should have some place in the second reading debate on the Supply Bill. But I should like to say this at once, Sir, that in regard to reductions in the different votes which we shall have to consider in detail in

Committee, it is extremely difficult for Unofficial Members satisfactorily to effect reductions. Unofficial Members, and I think I am speaking on behalf of all Unofficial Members when I say this, are anxious to assist the Government in effecting economies, but they are just as anxious not to destroy the efficiency of a Department by ill-considered curtailment of expenditure, and without an examination of any particular Department—detailed examination by an expert—it is really impossible for Unofficial Members to effect any serious reduction in the expenditure of that Department without a serious risk of impairing its efficiency and detrimentally affecting the real interests of the country.

I have said before, and I don't see why I should not repeat it, that the general opinion was, and I think the opinion was shared by the Honourable General Manager of the Railway, that the exhaustive examination by Colonel Hammond of the Railway Department was useful in many ways as regards economy and otherwise, and it seems to me that a similar welcome might be given to some similar examination and investigation of the different large-spending Departments which do such useful work in the development of this country. (Hear, hear.)

I think, Sir, there is one general feature of the budget which ought not to escape notice on the second reading of the Supply Bill, and that is the fact that every item of the revenue, practically, shows an increase. That is a comforting fact, but I should like to hear from the Honourable Treasurer a little convincing argument in regard to the higher finances of this country. I refer, Sir, to the decision which has been come to, to float a loan on an early date. Now, Sir, Hansard is there, and it is not in my mind to say that I object to an increase in the loan. I have urged that before in this Council, and Your Excellency may remember that when two years ago I ventured to suggest it, putting it forward humbly, timidly, and putting my head into the lion's mouth of the present Honourable Treasurer's predecessor, I was twitted and thoroughly chewed up on that occasion, and I was told, Sir, that I was quite wrong, that my ideas of finance were not very sound, and that until some standard ratio of exports per head of the population of this country was reached, we would not be justified in increasing our loan liabilities.

Now, Sir, nothing definite was said by the Honourable the Treasurer on that occasion as to what standard ratio our exports must bear to our population before we could launch out on any further loan. It is in reply to that that I should like some enlightenment. In these matters I have always said I do not profess to be anything more than a pupil, and not I think a very apt pupil in the eyes of the Honourable General Manager of the Railway, but at any rate I have always been an enthusiastic one and I should like to have some enlightenment as to the change which has taken place to justify this additional loan.

My reference to the General Manager of the Railway reminds me of one more item in the Estimates of Expenditure, a small item of £200, insignificant in itself, but representing what I firmly believe to be a tremendous advance in the principle of running our Colliery. I refer to the commission which it is estimated will be spent under an arrangement with a firm of agents for the development of our Colliery. When one looks at the Estimates and finds that by a considerable amount, I think it is nearly £23,000, our estimates of revenue for the sale of coal during the current year are not to be realized, I think it is a very comforting thing to notice that some steps, similar to what a business firm would take in like circumstances, are being taken in regard to our Colliery. We have decided that we must push our sales: I don't know the details of the arrangement, neither do I know the particular firm, but at any rate we have apparently adopted the business principle that you must get somebody to push sales and give them a commission on the results. It is just when we come to examine the accounts of the Colliery that we see hence the advantages of that innovation will be apparent.

As regards general economy, I might add to what I said about an expert examination of the different heads of expenditure, that I think there is evidence of some sort of standard of rigid economy to be found in the Estimates themselves. I refer, Sir, to the Public Works Extraordinary vote in regard to Calabar provision, and I am satisfied that if the same rigid economy were observed throughout the whole of the Estimates as is observed in that particular part of them, we should be budgetting for an enormous surplus and not for a deficit (laughter). Calabar Province, Sir, if

I may pull the handle of the parish pump for a little, as represented in this Council on this occasion by four Members. I think, Sir, it is a very sad thing that in a Province from which the best part of half a million pounds is being taken in taxation, there is not a penny of a new expenditure voted. That, Sir, is a pattern of economy which I think might be observed throughout the whole of the Estimates, if it is not going to be modified in the case of Calabar Province.

There is one other gratifying feature in the illuminating speech with which the Honourable the Acting Chief Secretary to the Government proposed the second reading of this Bill, and that is the Sinking Fund position. I must confess that out of my ignorance of these financial matters, I was under the impression until the last budget meeting of this Council that our commitments in regard to loans were already covered by our Sinking Fund provision. It came to me as rather a shock to find that we have been under-estimating considerably our Sinking Fund for that purpose, and to hear as we heard yesterday, that when the day of judgment comes and all those loans have to be repaid, the money will be lying there accumulated under this Sinking Fund, is one of the most cheerful things I have heard since I came to this Council.

There is another thing, Sir, which is perhaps not altogether immediately relevant to this discussion, but I should like to refer to it, and that is the rather striking fact—I think it must have struck all Unofficial Members—that the Government of this country, in general, and the very arduous task of carrying through the Estimates of the Government, are in the hands of a body of acting officers. Now, Sir, out of nineteen officers domiciled in the Metropolis who are entrusted with the Government of Nigeria, we have at the present time, as far as I can see from yesterday's Minutes, eleven officers in an acting position. There is one notion that occurred to me in regard to that: the officers who are substantive holders of these posts are represented in the Estimates in the personal emoluments by a much higher figure than that represented by the officers who are now doing these particular duties, and it occurs to me, not as a practical notion but perhaps as rather a whimsical notion, that we are getting just as good service from these acting officers as from the substantive officers. I do not propose to push that idea to any practical conclusion by suggesting that the extra expense of substantive officers is an unnecessary expense because I am afraid it might possibly be countered by a suggestion that if all these acting officers are as capable as they have undoubtedly shown themselves to be, they perhaps might suggest that levelling up and not a levelling down would be the proper step to take to remedy that anomaly (laughter and applause).

The Hon. the Member for Calabar (Mr. C. W. Clinton): Your Excellency and Honourable Members, I have only quite recently come to this Council and I am quite inexperienced in the business of Council, especially the business of the budget, so it may be rather presumptuous for me now to get up on this important occasion to say what I have to say, and I have to ask Your Excellency and Honourable Members to be patient with me and to forgive what faults I may make.

We have heard the very able address given to us yesterday by the Honourable Chief Secretary to the Government laying before us the very critical position in which we find ourselves as disclosed by the Estimates. It appears that we are now in a position where, as the Honourable Chief Secretary to the Government said, we have to put on the brake, but instead of the Honourable Chief Secretary to the Government indicating to us how the brake was to be put on, he indicated how more money was to be furnished in order that we may go on spending. As the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) said, it is very difficult indeed for Unofficial Members, especially inexperienced Members as Native Unofficial Members must be in comparison with the European Members who have for generations and generations dealt with finance and budgets of Government, to open our mouths and dare to criticise Government and to say where the brake should be applied. When we first receive the budget we are amazed at the complication of it, and we have to sit up night after night to try to understand it, but in our simple way very often perhaps we would be able to grasp some things which might be of some help to Government. I have endeavoured to go into this matter to see where it is possible for some economies to be made. What strikes me most forcibly is that the increase of expenditure as regards personal

emoluments is very heavy. Now there is no doubt about it that the business of the country must be carried on, and the only efficient people who can carry on this business are European officers, and we must have as many European officers in this country as possible to carry on the work properly and efficiently. Without them we can do nothing. The more of them we have in the country the better for the country. The more officials we have in the country, the better for the other people of the country, because the more they are employed, the more employment we get. To each European officer are attached two, three and more servants, and all those servants are benefited by the contact which they have with the Europeans, so that it is incumbent on us that we have as many Europeans in the country as possible, but it must be done within reasonable limits. The question is, compared with other Colonies, for instance with the Gold Coast, are the emoluments of this Colony more than the country can stand? On the Gold Coast there is an overseas trade of £28,000,000. There, I understand, the number of officials is from one to two thousand as compared with a similar number of non-officials. Here we have an overseas trade of £31,000,000—only three million more—yet the European officials here are from two to three thousand as compared with one to two thousand unofficials. Again the expenditure on the Gold Coast is three and a half million pounds; the expenditure here is over seven million pounds, so we are absolutely out of proportion. We are spending far more. We have to consider also that on the Gold Coast there is no Native Administration, so it appears that at present as regards personal emoluments we have a very high percentage. Now, Sir, where money is easy and the revenue is coming in easily and there is no trouble, there is no reason why such a state of affairs should not continue, but where we have got certain difficulties, then the question of increasing personal emoluments becomes a question of importance.

I was trying to make up some figures last night, and it appears that the rate of increase in personal emoluments is about ten *per cent*. That is a very high rate. The amount paid in emoluments altogether in 1928 comes to £2,300,000, and the increase for this year comes to something like £200,000, that is to say ten *per cent*. Now if the revenue justifies it, I would say, "certainly, let it continue," but if the revenue does not justify it then I submit there is cause for consideration, and we should reconsider, not the present staff, but the rate of increase in the staff. That is what I desire to put before Your Excellency and the Council. If the rate of increase is too high according to our needs, then it would be wise for the Governor to put the brake on to some extent in that direction. Of course it will be said that the development of the country requires this rate of increase, but I take it that the work of this country is being carried on on a business basis; if we could not carry it on on such a basis then at some time or other we shall get into worse difficulties. If we get into worse difficulties we shall suffer, and each humble servant of the Government will suffer also; therefore it is incumbent upon us to pray and beg you who are governing us and under whose Government we are having such happy times, not to jeopardise these happy conditions by increasing the expenditure at too high a rate.

In mercantile firms, where expenditure has gone up beyond receipts, it is customary for expenditure to be forthwith cut down. Some time ago when I first arrived in Calabar, when I went into the large factories, I would find six, seven or eight European employees, and I would notice that they were living in luxurious apartments, but now that emergencies have arisen and they have had to curtail their expenditure you will find in those same factories only three or four Europeans. I think if the Government were to adopt similar methods you would find yourselves right in a not very long time.

£200,000 a year is a very big sum. Yesterday the Honourable Chief Secretary to the Government had to excuse himself for raising £100,000, and he took great pains to convince us that it was necessary. If this sum is taken into consideration, and a halt was made as regards increasing European staff, in one year only you would have £200,000 at once, so I would respectfully urge that in that direction at least some action might be taken. I do not suggest that the work of the country should stop, but I sincerely believe that the present staff will be able to carry on the work, just as the staffs in the factories, although reduced, manage to carry on. I am suggesting therefore that the rate of increase in personal emoluments should be considered, and that at least for a few years, until

we are in a position to do better, the brake shall be applied in that direction. So many other savings will follow that step, or in this sum we have not included passages, transport, railway transport, transport and travelling allowances, or quarters; these are expenses which will be correspondingly reduced.

As my honourable friend has said it is difficult to track any Department, but if the course I have suggested were taken, and officers, both European and African, put their shoulders to the wheel and determined to carry on for a year or two without increase of staff, then things would right themselves.

What have we done? Instead of decreasing our expenditure we now find ourselves under the necessity of borrowing money; that is a position which I find very difficult to understand. I don't see how it can help us and it appears to me to put us in a worse position, but then of course I am not clever enough to understand these things so I will not deal with this matter.

I would only urge humbly and respectfully, Sir, the Government will wait for one or two years in the matter of increasing staff; that they will wait until we have righted ourselves and then we can proceed again as before to increase the European staff. (Applause.)

* The Hon. the Commercial Member for Lagos (Mr. R. N. Irving): Your Excellency, before I begin I should like to refer to a passage in Your Excellency's Address which I mentioned yesterday, and which the commercial community regard as rather a serious error; perhaps Your Excellency will have it enquired into. I refer to the second paragraph on page 12: "Prices for palm products were not good" and so on. Then it says "Cocoa, however, was in demand and prices were even better than in 1927." Well, Sir, the President of the Lagos Chamber of Commerce has handed me a paper containing figures compiled from the Government Trade Supplements, and if those figures are correct, so far from cocoa prices being "even better than in 1927," they are substantially lower, and on the average for the year, as against an average price for 1927 of £55 13s., the average price for the year 1928 was £44 1s.

His Excellency: The Comptroller of Customs will no doubt refer to that when he replies.

The Hon. the Commercial Member for Lagos (Mr. R. N. Irving): Sir, I should like to voice what I think is a very real grievance that we all feel and that is we do not get sufficient time to consider the Estimates. We in Lagos get them say about ten days before the Council meeting, and I understand some Members do not get them until they arrive here. We are all very busy people and even if we could give the whole of those ten days to grasping them with a view to offering helpful criticism on them, even then the time would be too short, and I think there is a very strong feeling among us that we are seriously handicapped in being of use to the Government—if we can be of any use—in not having sufficient time to study the Estimates.

I understand, Sir, that Heads of Departments send in their estimates some time before, and I do not know whether there would be any difficulty of which I am not aware, in the way of letting us have copies of those estimates sent in by each Department as they are received. If that were done we would be in a very much better position to offer criticism.

I do not intend to make a long speech on this occasion for two reasons. In the first place I realise that in a debate one should stick to two or three outstanding principles and one should confine one's criticism or suggestions on matters of detail to the Committee stage, but there are two minor points on which I should like to voice not only my own views, but the unanimous views of the Lagos Chamber of Commerce, the body of whom I am nominated a Member of this Council. The two main things which they have asked me to deal with, and with which I am only too ready to deal—my views entirely concur with theirs—are these: first of all the recurrent expenditure, and secondly the Public Works Department vote.

We regard the recurrent expenditure as excessive and it is obvious that if no step is taken it is going to increase enormously in future years, even apart from any increase in staff. We notice

that Your Excellency has taken the view that there should be no further additions to the staff, and I think that follows the views of the Secretary of State, but what we regret to see is that the Government do not go a step further and take the resolution to cut down the staff. We consider that there is great over-staffing. It is very difficult for us to give positive evidence of that, but one sees in one's general observations, and one hears things now and again which force one to the conclusion—at least it forces my constituents and me to the conclusion—that there is considerable over-staffing in Nigeria, and the steps should be taken, not to go back on what has been done, but as opportunity arises not to get out new officers in place of those who go either on retirement, death, or transfer. We urge that as strongly as we can.

I have said before, Sir, that it is very difficult to give proof of over-staffing but I can give instances which have led me to this point of view. Two or three years ago—I must be as vague as possible—an officer of the Government, not a junior officer and not very senior, who is now holding a very high position in another Colony, told me "I am not earning my pay, not that I am not capable of it, but there is not the work for me to do". Again, not very long ago, coming out on the boat, a very able officer of the Government whose ability is well-recognised said to me: "I am wasting the best years of my life in the Government service; for two or three weeks every now and again I am busy and my time is fully occupied, but for weeks and weeks on end I do not know what to do with myself." I have heard the same things from other officers and I have used my own observation. I hope no one will think that I am attacking the Government officials of this country. I am doing nothing of the kind and if I may presume to say so, Sir, I think we all realise that we have an excellent body of officers. I am not criticising them at all, but I am criticising the system which leads to the employment of officers who cannot earn their pay, and whose pay is a waste of the public moneys of the country. It is not only their pay either; there are passages, allowances, pensions and everything else that goes in with each appointment. Whenever you engage an officer the expense is enormous and it is going to last many years and grow the whole time.

For instance, to come to figures, the total of the recurrent expenditure for the coming year is estimated at £5,743,814, and of that personal emoluments takes somewhere about £2,500,000, and other recurrent charges take £3,294,176. That is money which is not represented by any permanent assets; it is money that is being spent, and spent once and for all, and as I have said, we do think it is an unjustifiably high expenditure.

I would point out in this connexion—I think the Honourable Member for Alor (Mr. C. W. Clinton) gave approximate figures, but I have them here—that in 1925, taking the average monthly figures there were 1,671 officials in Nigeria as against 1,510 unofficials, and in 1927 the officials had risen to 2,664 while unofficials had decreased slightly to 1,483. We cannot see—of course we may be wrong—that the increase in the recurrent expenditure caused by the European staff is justified and we do hope to get some undertaking from Government that they will in some form or other get into the matter very carefully to see if the recurrent expenditure cannot be cut down.

I wish also to make it clear that we do not ask for one moment that development should cease; we think it should go on, but we also think that development is apt to be retarded if so much of the country's money is to be employed in providing European staff. That is all I have to say on the head of Recurrent Expenditure which, I would assure Your Excellency, is a matter we have gone into very carefully, as carefully as we have been able to with the material at our hand, and it is a matter which we view with very considerable concern, and we would ask you to enquire into the possibility of cutting it down so as to leave more room and more money for development work.

The other point on which I wish to say a few words, and they will be very few, is the Public Works vote. It seems to us that the Government is really embarking on a policy of nationalisation of the building industry of this country, and we condemn that as strongly as we can. We ask in the interests of the Colony that more work should be given out to contract. It is perfectly obvious that if the enormous staff the Public Works Department have is to remain, that that is a consideration which must weigh with the Department in refusing to give out contracts, otherwise they would have nothing

for their officers to do. We do think it is an extremely bad policy that the Government appears to have committed itself to which would appear to be a gradual drifting into a nationalization of the building industry of this country, and when we are told that the Government can do a particular job more cheaply than a contractor, we are absolutely unconvinced.

If we were to consider the question of the Public Works Department being taken over by a limited company, say, Messrs. Cox, Evans and Company, Limited, look at the tremendous capital they would have to provide; they would have to take over all the buildings they now have and all the plant they now have, and if in addition to that they had to take over the staff as it is and provide all passages, quarters, and allowances, when it came to contracting to build a particular building, they would have to keep in view, as a business concern as they would be then, that they would have to have a percentage return on this heavy capital. They would have to keep in view not only the actual payments they were making to their staff at the time, but future pensions liabilities and also of course, depreciation of plant, etc. I am perfectly convinced, and every commercial man is convinced, that if the Public Works Department in preparing their estimates as it were against the estimates of an outside firm and took into account all these things I have mentioned, that their estimates would greatly exceed those of any private company. They would be bound to do so. I am perfectly convinced that any company sinking the amount of capital necessary to take over the Public Works Department, with all its staff and all its liabilities could not possibly tender for a contract at anything like the price that would be quoted by an outside contractor.

I wish to say in conclusion, Sir, that we are not taking any alarmist view. We do not consider the financial position of the country is unsound, in fact personally I am inclined to agree with the Honourable the Acting Chief Secretary to the Government when he said the finances of the country, broadly speaking, are on the soundest of sound foundations, but we do think that that is no justification for throwing away money, as we conceive it to be, that might be used in further development and further improvement of our financial situation. (Applause.)

The Hon. the Member for the Egba Division (Mr. H. Pearse):
Your Excellency, I feel rather diffident in saying anything at this juncture because from my experience of this Council I thought that when a resolution standing in the name of an Honourable Member is to be discussed on a question of finance, the resolution should first of all be dealt with before the Estimates are gone through. Of course, that may be my own idea and I suppose Government know best. I can assure Your Excellency that the Estimates which have been handed to us have been very well prepared and they show that very great pains have been taken by the Honourable the Acting Chief Secretary to the Government and other officers who are responsible for their preparation.

I must in the first place congratulate the Government upon the excellent manner in which they have put up the expenditure, because it takes a business or a commercial man all his time to be able to detail under the various heads the expenditure which has been put forward, and to do this satisfactorily, and at the same time to show what each head represents. In the second place I think the Government have shown their foresight in exploring all avenues for the increase of revenue and they have done their duty as they said.

However, as a matter of fact we are all very apprehensive as regards the present condition of affairs because we have heard from year to year that the expenditure has been going up by leaps and bounds, yet Government have always found ways and means of increasing their revenue, and it strikes me that they will be fully prepared to find another avenue for the money to go. Whether that is the Government way of transacting business I do not know, but I would say that in commercial life if you engage an agent whose business it is to look after the interests of the concern, and you found that for every penny he made he found an avenue for a penny farthing to go out, you would begin to consider the advisability of giving him notice to go. As I have said the Government have the power in their own hands not only of increasing expenditure from time to time, but also of questioning the power of the Unofficial Members to ask the Government any question on a matter of policy.

It is a very happy idea, Sir, and one that must commend itself to everyone, that the Government has thought it fit to provide what is called a Sinking Fund. With a sinking fund of that sort, the financial position of Nigeria must be greatly enhanced in the European market, and when we call for loans there is very little doubt that we shall be able to get what we want in the market.

In increasing the duties yesterday, although it was a bolt from the blue, yet I feel it was a necessary step on the part of Government. At the same time we were assured that if we could make any further suggestions whereby Government could increase the revenue, Government would seriously consider them. One or two points occurred to me but it was too late to put them forward when the Customs Tariff resolution came before Council.

Representing Abeokuta as I do, the first thing I should have done was to thank Government for the attention they have given to Abeokuta in the provision of a general hospital and also in the provision of a maternity hospital. Everyone in Abeokuta is very thankful, and I thank the Government for all they have done in those respects.

At the same time I was wondering whether the Government did not think that the Iro Quarry which is providing so much stone for our roads, and the roads of other Provinces should not be contributing its own quota to the upkeep of the Native Administration, which is suffering very much now from want of funds. I approached the matter here some time ago and I approached the Lieutenant-Governor on the subject; and I make bold to say that I feel sure he is still studying the subject.

The extension of roads was referred to in Your Excellency's Address, and I can see Your Excellency is really serious about this matter. However, as one goes further into the Address, one finds that very little attention is being paid to trunk roads; last time I went through Abeokuta I could see the trunk road was having very little attention from the Public Works Department. As a matter of fact, I see that the Government contributed only £650 for the upkeep of that trunk road last year while it cost the Native Administration £3,000, and I think in this matter the Native Administration is entitled to the sympathy of the Government. I feel sure now that the matter has been brought forward in such a vivid way, the Government might see its way to giving us the necessary assistance which we require.

I was looking right through the Estimates and I think I must again refer to the Director of Agriculture and to pray that he should give a little more attention to the instruction of young men who have a bent for agricultural work, because after all, Sir, the life of the country depends wholly on agriculture, whatever else you might say. To-day the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) rightly put it before Your Excellency that the profits anticipated on cocoa—and I should have thought this referred also to other commodities—had not been realised, and we can only look to those who are engaged in agricultural pursuits to help the situation, and until we can get the Agricultural Department to give us the necessary assistance, we can do very little in that particular respect. Reference was made in Your Excellency's speech to a school with some pupils—the number was not mentioned—the senior students from which will soon be ready to come up for practical work, but I do not know whether those students would be able to take up well-paid European appointments. As a matter of fact, Sir, it is analysts, scientists, geologists and men like that who are causing the training of our young men up to standard, and I think the Director of Agriculture might be able to help us in that respect.

Then on page 48 of Your Excellency's speech, reference was made to the retirement of West African Nursing Sisters. Well, Your Excellency might not know that some of these Nursing Sisters were dissatisfied, and that has led to their resignation. Whilst the Government is looking round to get European Nursing Sisters, the African nurses we have here are also putting in their resignations, and I think Government might look into the question and find out whether there is any particular reason why they should be doing so. After all, European Nursing Sisters can only be here for a time because they cannot stand the climate, but you can depend on African nurses permanently. Every attention, help and encouragement should be given to African nurses; I claim such in their interests, and I hope Government will do something for them.

There is an interesting reference in Your Excellency's speech to telephone revenue, which in 1928 is estimated to be twelve *per cent.* more than the previous year. Well, Sir, the telephone service is getting on very well, but I can put it to Government that if they made the service cheaper than it is at present they would have an even larger excess than they have at present. We used to pay £15 a year when I first took up a telephone, and it was subsequently increased to £20. I remember at that time some people gave up their telephones for they felt they could not pay this extra amount. I hope as the Government have now made an increase of twelve *per cent.* in one year they will find their way to reducing the service from £20 to £15; this will after all pay its way, for there will be more subscribers, whilst there would be no extra expenditure, as the same staff could carry on. I think the Government will find my recommendation a very reasonable one.

At this stage, Sir, I think I should voice the sentiments of those who have come directly under the influence of the Administrator's Office. The Administrator of the Colony has done very effective service and it is a wonder that a new system—when I say a new system I refer to the income tax system—was initiated in this Colony so successfully, and within such a short space of time. Some of us were simply amazed. We all know the Administrator is an officer of great ability, yet at the same time I think it is a proper thing to tell the Government what we think of the services of the officers of the Government, so that they might know how much we appreciate such services.

Some reference was made to the Analyst in the Government service, and I was wondering whether the work of the Analyst covers Lagos only or whether it extends over Nigeria, because we certainly require the services of an analyst in Abeokuta in order to prove whether the drinking water there is potable and safe. Personally I have spoken several times to the Resident of Abeokuta, and I have often thought that the water there is not quite so potable as it should be, and I think something might be done to improve the condition of the water supply.

Reference is made to Geological Survey on page 31 of the Estimates, and I was wondering whether the services of the Geologists are general for Nigeria, because there is plenty of work a Geologist might do in Abeokuta and probably the Government might be informed of certain valuable discoveries which might be of commercial use to Nigeria. I said this some time ago, and I think I should repeat it now, because Abeokuta is rich in minerals, and although we have no gold mines, you never know what you might be able to discover.

The Honourable the Commercial Member for Lagos (Mr. R. F. Irving) referred to the question that some officers are not earning their pay. We are all of the same opinion that some officers are overlapping each other in their duties, and I suppose that is the reason why some of them conscientiously feel they are not earning their salaries. It is like this: if you have two or three men to do one man's work, each will feel the burden so light and they will feel so dissatisfied with themselves that they are being paid for what they do not do; and if they are conscientious, they will feel they are getting what they are not entitled to, hence they are bound to confess they are not earning their pay. The question then arises, Sir, whether the time has not come when the whole machinery for the engagement of officers should not be looked into. In my own opinion I think it might be done with advantage, but I will not say any more about that now.

There is one particular department, Sir, that I think I should call the attention of Government to this morning and that is the Printing Department. I think in that Department there is an excess this year of expenditure of about £750. Reasons should have been given for that excess expenditure, but on looking through the Estimates and the Memorandum on the Estimates, I see nothing at all of the sort, but I can say this, Sir, without any fear of contradiction, that that excess could have been greatly reduced if the Government had kept up the standard of pay of compositors which has been recognised and regularly paid all over the country. The Government pays two or three times the amount private enterprise pays and that is how the Printing Department's money goes. Private enterprise cannot get men simply because the Government is standing in their way. Now when the

Estimates come before Council, we see there is an excess of expenditure, and I would not be surprised if in a year or two this excess of expenditure comes to some thousands of pounds.

The question of contracts was referred to, I think, by the Honourable the Commercial Member for Lagos (Mr. R. F. Irving). This is a very serious matter, and people in Lagos here feel that Government are taking the monopoly of these contracts themselves, and that they have no right to do so when there are people here capable of carrying on the work. There are people here in Lagos to-day who are practically starving because they cannot get work to do. The Government happen to have the machinery here and they simply take up the work and transfer one head of expenditure to another. I think the time has come when Government should let private enterprise benefit. Another point is that even where, say in the Railway, contracts are called for and are submitted, perhaps a few of them—I do not know for certain—are not satisfactory, but I think the Government or the Railway should be satisfied that when a contractor puts in a tender and gives a warrant to satisfy the Government, that that contract will be carried out properly.

The position to-day, Sir, is getting very alarming as regards expenditure. As I have said before, when you come to think of the past and of the present, although we think Government has advanced materially, yet in the matter of the surplus, you will begin to feel there is cause for alarm.

Plague is still with us although we have so many plague officers, and so many resident inspectors: still the plague stays, and there is no change. The Government cannot give us any reason why there is no change, but they state it is simply because of congestion. Congestion has existed for many years now and when Lagos was mostly a swamp, it was even worse than at present. I don't think it is only the question of congestion that matters. I certainly think the question of plague should be looked into. I thank Your Excellency for all the provision that has and can be made in the interests of the community, and we hope in due course of time that Nigeria will be singing a different song, and that plague in Nigeria will be non-existent. (Applause.)

The Hon. the Second Lagos Member (Mr. E. O. Moore): Sir, I rise to make a few observations only. I have no financial qualifications whatever, but I think I will be expressing the feeling of the House when I extend congratulations to the Honourable the Acting Chief Secretary to the Government for his very lucid speech in introducing the annual budget. It has certainly cleared the position, and to Honourable Members like myself who have no financial qualifications, it has greatly helped us to understand our financial position. As a matter of convenience I wish the motion about to be moved by the Honourable and learned Commercial Member for Lagos (Mr. R. F. Irving) had been taken as an amendment to the second reading of the Supply Bill, because I feel that necessarily what we have to say must to a very great extent go in support of that motion, in dealing with the second reading of the Supply Bill. Your Excellency, it is admitted on all hands that our expenditure is growing at a very rapid rate. The Government themselves are the authority for that, and if you want any better authority I will refer to an extract from the Colonial Office Memorandum which appeared in a local paper some time ago: just one paragraph—

“As regards Nigeria, development will proceed and will doubtless produce a reward eventually in the shape of increased revenue, but the fact must be faced that growth in revenue and prosperity were slow compared with the growth in expenditure.”

We all feel that. His Excellency in his last annual speech emphasised that point, and the Honourable the Chief Secretary to the Government has also done so in his Memorandum upon the Estimates. This is the position which must be accepted by everybody that it is time for us to call a halt, or as the Honourable the Acting Chief Secretary to the Government has said, “to apply the brake”. In doing so the question arises, “what is the position of Honourable Unofficial Members?” On one occasion, the President of the Council, Sir Hugh Clifford, in a manner peculiarly his own, laid on the table an Address, in which the following passage occurred:—

" From this time forward, however, the position will in this respect have undergone a complete transformation; and until the Council as it is constituted to-day, has shown itself incapable of discharging some of the principal duties for the performance of which it was created, I, as its President, shall strenuously resist any attempt that may be made to encroach upon its functions in the manner which the appointment of such a Commission would involve. Henceforth the Legislative Council of Nigeria will share with the Executive Government full responsibility for all expenditure that annually incurred."

I felt then, Sir, that that was rather a heavy responsibility thrown on Unofficial Members, and I think that events have shown that Unofficial Members are incapable of discharging those responsibilities. In connexion with this, there is an article which appeared in one of the local papers some time ago dealing with the public purse, and the editor also was of the opinion that the growth of expenditure was to be attributed to the attitude of the Unofficial Members. He said in closing:—

" We have endeavoured to convey to our readers some idea of the seriousness of the financial outlook and the urgent necessity for a more critical attitude on the part of the Unofficial Members of the Council. It is not enough for them to protest against increases in taxation that must inevitably follow unrestricted expenditure. The matter must be attacked at the root"

I quite agree, but I suppose the election was drawing near and he could not resist the temptation to print what I call "electioneering clap-trap." He added:—

" We hope electors will remember they are also taxpayers, and choose as their representatives intelligent critics of public finance rather than supporters of lost causes and dejected potentates."

I hope the electors heeded that. At any rate my view is this: that you require super-men as Unofficial Members of the Council in order to be able effectively to check this growing expenditure for it is so difficult, as has already been said, for an Unofficial Member to point out specific instances of what he considers to be extravagant expenditure. He is so easily defeated by the officials who know better. Supposing, Sir, the Honourable the Acting Chief Secretary to the Government were to be good enough to take me round the Secretariat because I happened to say the Secretariat was over-staffed, I am sure he would be able to defend his position and to justify the appointment of each and every member of the Secretariat, even though my contention would be absolutely sound. That is the position of the Unofficial Members in this case. Then, Sir, the question arises "what is to be done?" I must say that personally I am in favour of a Commission such as was suggested by the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul). I think until you have such a Commission, such for instance as Colonel Hammond's investigation into the working of the Railway, you will always be at a certain difficulty, and we will always come here year after year to sing the same song.

The Honourable the Commercial Member for Lagos (Mr. R. F. Irving) has referred to the recurrent expenditure, and I should like to associate myself in what he has said. The recurrent expenditure is very high, and if you want to take account of the growing expenditure, that is an item of which you must take notice. Apart from that, it is my opinion that the whole basis of our expenditure ought to be examined, and that cannot be done by Unofficial Members of Legislative Council, but by independent official persons who will go into the whole question and report to, and advise the Government. I say report to and advise Government because I must admit that it is my feeling that the responsibility lies with the Government. It is their duty to frame the expenditure and they are certainly in a better position to know what is going on than are Unofficial Members. When I see the expenditure growing year by year and we are unable to put any effective check on it, I say the next best thing Unofficial Members can do is to suggest a Commission, and I think if a motion to that effect had been moved, it would have had the general support not only of all Unofficial Members, but even of the Government, because I believe that such

a Commission would not have weakened the Government, on the contrary it would have assisted them greatly, as there is no doubt that they themselves are struggling with what I may call "adversity" in order to overcome this growing expenditure. That is all I have to say. (Applause.)

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones): Your Excellency, before contributing my own little to the discussion, I shall give your indulgence to refer to two incidents, the one affecting the Empire in general, and the other the Colony and Protectorate of Nigeria. I refer in the first instance, Sir, to the illness of His Majesty, King George, an illness which has been the cause of great anxiety to the teeming millions of people inhabiting every portion of the British Empire, if not of the world; and the other is the illness of His Excellency, Sir Graeme Thomson, Governor, and Commander-in-Chief of Nigeria. There can be no doubt, Sir, that the illness of the King has stirred to the very depths feelings of sympathy in the minds of every unit of the British Empire, irrespective of his race, his colour, or his creed, and the manifold and spontaneous prayers which have from time to time been offered for his recovery are to my mind sufficient indication that even in this part of the world, His Majesty is not only a sovereign of the British Empire, but is sovereign in the hearts of the people. It has been said, Sir, that the ideal of the British Empire is that of a commonwealth of nations linked together by a common sentiment of loyalty to His Majesty the King, and to my mind the strongest link in what I am describing as that magic chain is to be found in the personality of the King himself, who, as the constitutional head of all that is honourable and just is not only our sheet anchor for our Imperial hopes, but he is also our last resort, the *se plus ultra* for the redress of all our wrongs and all our grievances; and that His Majesty fully realises the great responsibility upon his shoulders, and that he has always done so, no better proof could be found than in the eloquent tribute paid to him by Mr. Ramsay MacDonald, who, at a dinner of the 1917 Club, about two months ago, said, to use his own words:—

"I should like to say how very moved we have all been at the illness of the King. This sympathy is not a question of sycophancy at all. That does not come in. Those of us who have had the great pleasure of knowing the King personally, of knowing how sincerely devoted he is to doing his duty with constitutional impartiality, feel at a moment like this, when he is walking through deep shadows, how extraordinarily well he has done his duty as a constitutional monarch. . . . There is not a member of the old Labour Cabinet who would not, I am sure, join with me in our prayers that bulletin after bulletin will show him advancing towards complete health and strength."

In like manner, Your Excellency, there is not a unit in this Empire who will not join with me in the wish that the prayers that have been offered for His Majesty's recovery will meet with the desired effect, and that ere long he will be restored to his full health and strength.

With regard to His Excellency Sir Graeme Thomson, it was gratifying to know that he arrived safely in England and that the operation that was necessary for his recovery was successfully performed. It was even more gratifying to learn from Your Excellency's lips that Sir Graeme Thomson's convalescence is uneventful and we trust that before long he also will be restored to complete health and strength. I feel, Sir, that his absence from the Colony must be a cause of great regret and although I am sure you will willingly join in that expression of regret, it is also a fact, Sir, which you may very reluctantly admit, and that is that that enforced absence has been to you, Sir, a blessing in disguise, in that it has given you an opportunity of assuming once again the reins of the Government of this important Colony and Dependency. I trust, Sir, that you will steer this ship to a haven of success guided by those traditions and principles of justice and fair play which have made the British Empire famous, and, Sir, I pledge to-day the loyal support of my colleagues and myself in order to make your interim administration a success. I also sincerely hope, Sir, that what we may have to say from time to time on behalf of the interests of our constituents, whom we represent, will always be heard with an ear of sympathy, even though the Government and ourselves may not always be able to see eye to eye.

It is the usual custom, Sir, at the February Session of Council for the head of the Executive to present to Honourable Members an administrative survey of the Colony's affairs and this year has not been an exception to the rule because we have had placed in our hands what is known as the "Governor's Address", and what is actually a survey of the Colony's affairs from the point of view of the governing body. It is true, Sir, that the Address did reach us a little earlier than other previous Addresses but yet not sufficiently early for members like myself to give to it that careful scrutiny to which a document of such importance is entitled. Although I may have to make one or two remarks on the different subjects dealt with by Your Excellency, yet before doing so I beg leave to refer you cursorily and retrospectively to the life of the last Council. If I am not in order, Sir, I would like you to call my attention to the fact.

In making such revision one is bound to invite attention to the hopes that were inspired in the minds of the people when the grant of the franchise was announced. It was thought then that a new world was being ushered into existence which initiated the community into the principles of political responsibility, and the old world which it was hoped would be redressed could be described as the old Crown Colony Council, which I may liken to a mild form of despotism, wherein the Government did all the political thinking for the community and the community did very little themselves. Although the number of elected members was a very small one, yet there were hopes in the breasts of the people which consoled them, and those hopes were that if the people rose on the occasion by proving their fitness to exercise the privilege of the franchise, there was a possibility of the number of elected members being gradually increased. But instead of that being the case, it is a known fact that with the already overwhelming official majority they had a further increase of three, thereby making whatever distinction there might be between the old Crown Colony Council and the present one, merely a distinction without a difference; except that according to the present constitution elected members have the opportunity of raising their protests, however ineffective they might be, and having them recorded in the Hansard debates. Another disability under which the community felt they suffered during the last years of Council was a tendency to balk discussion in Council if by any means there was an idea that the discussion would tend to what I will describe as a wounding of official prestige. The feeling, Your Excellency, may be a wrong one and I have only mentioned it in the hope that there will never be any necessity for such discussion in Council; yet if the necessity arose the attitude of Government would go considerably towards easing the mind of the community as to whether or not that disposition existed. One cannot help recalling to mind, Sir, the repeated and heroic efforts that were made by some of the Unofficial Members to get erased from the Statute Book of the Colony the Provincial Council Ordinance, efforts which up to to-day might not have excited what I may call the righteous indignation of the British public had not one of the members of that public himself unfortunately been caught in the meshes of the system; and we hope if it is true that legislation is already on foot in the sister Colony of the Gold Coast to remedy some of the failings of that system, that wise counsel will prevail and success attend those efforts, and that before long such legislation will find its counterpart in the Statute Book of this Colony.

Referring to Your Excellency's Address, it is very interesting to read on page 15 that central schools giving a better education than was possible in village schools are being established, and yet one can only hope that behind that very pleasing phrase it is not to be implied, Sir, that village schools will be closed wherever central schools are established, because in spite of all the contumely that has been heaped, rightly or wrongly, on village schools, I think one fact remains and that is that village schools have gone a long way in blotting out illiteracy from the map of Nigeria. It has been said, Sir, that the standard of education among Scottish people is much higher than that of any other unit of the Empire, and that has been attributed to the good work that has been done by the village or "hedge" schools, and coming nearer home, in Nigeria here, it is also a fact that the educational standard in the Colony and certain Southern Provinces is on a higher plane than that of the Northern Provinces, due also probably to the fact that there are village schools scattered throughout the centre and the borders of the Colony proper and the Southern Provinces. Therefore, we pray the Executive that if anything is to be done, it will tend towards improving or reforming as much as possible these village schools, so that they may serve as feeders to the central schools

wherever they are established. If they are closed, Sir, and if the central schools, as they should be, are not in close proximity to all the villages, it stands to reason that children from the villages that are furthest removed from those schools will be deprived of the opportunity of learning.

One more word before leaving the subject of education and it is this: what reason the Government had for placing the age limit at King's College at seventeen years, I do not know, but as if a restriction of that kind was not sufficient, the Government have added another and that is to increase the fees of King's College from three guineas to five guineas. I listened very carefully to the explanation that was given in reply to a question that was put yesterday on the same subject, but I take it, Sir, that if the Government is heart and soul for the educational development of the country, it is the avowed policy to reduce the cost of education in Government schools and not to increase it. First of all, in comparing the local conditions, only very few people, young fellows, in Lagos will be able to take the benefit of that age limit, and mostly all the schools will support me when I say that boys far above the age of seventeen will not hesitate to go to school when it is at that age they may be able to get the means to pay their fees. I beg, therefore, Sir, to submit that although the indications given yesterday were that the Government is not likely to reconsider the question of fees, yet that in the interests of the community, that decision may not be the final word of the Executive.

Yesterday, Sir, the Honourable Chief Secretary to the Government spoke in glowing terms of the success which has attended the Native Revenue Ordinance, 1927, but there is another side to the case and that is to be found on page 62 of Your Excellency's Address, where it is stated that an increase of 500 rank and file of special police was authorised in 1927 for taxation emergencies. This may be very satisfactory indeed from the point of view of the administrative but from the view point of the many interested, it is an indication that the Government has been enforcing the provisions of the Native Revenue Ordinance without hesitation and without indulgence, and when one reads of the anti-tax agitation in Warri and Onitsha Provinces one is bound to feel that the so-called success that has attended the operation of the Ordinance must have been a very small one indeed for the tax payers in those districts.

In the case of the municipal area of Lagos the taxation is not a poll tax but an income tax, that is to say the assessment is to be on the basis of income of the individual; and yet it is a fact on which the Honourable the Acting Administrator of the Colony will bear me out that in a great number of cases the assessment has been on what I may describe as an arbitrary basis. That was supported, I think, by the statement of the Honourable the Acting Administrator when he said that in some cases the assessment was based on information, although I believe he meant on information from anybody else than the individual who was to be assessed. If that is a fact, Sir, it stands to reason that there must be cases of error and therefore many cases of inability to pay the tax, in contradistinction to a refusal to pay the tax, and unless the Government will condescend to look carefully into every petition against an assessment it stands to reason that the Income Tax (Colony) Ordinance, if it remains on the Statute Book of the Colony, will prove to some to be not very far from an administrative curse, because if an individual is honestly unable to pay the original tax, it is not likely, Sir, that he will be able to pay a double one with costs into the bargain, simply because he is ordered by the Court to do so.

The question of the ever-increasing area of Forest Reserves is one which, as Your Excellency admits in your Address, is causing a considerable amount of anxiety in the minds of the natives of the Southern Provinces. In that Address, Sir, you inform us:—

“The area of finally constituted Forest Reserves was increased by 2,316.59 square miles, and now totals 9,353.59 square miles.”

We are further informed:—

“The constitution of Forest Reserves under Ordinance No. 2 of 1927 is proving beneficial in the Northern Provinces, but in the South the Native Administrations on the whole have failed to appreciate it or take advantage of it.”

That is not to be wondered at Your Excellency if consideration is taken of the sociological divide that exists between the natives of the Northern and those of the Southern Provinces. In the Northern Provinces, Sir, I believe I am correct when I say, that the natives are squatters on the land, whereas in the Southern Provinces they not only own the land, they are almost prepared to die for it, and any measure which, rightly or wrongly, may have the consequence of depriving the natives, not only of their rights of using their lands, but the ownership of their lands is not likely to be viewed with favour.

The policy behind the Forest Reserves may be a very sound one in that, if I am correct, it is intended to conserve native timber and all the produce of the forests, but so far the natives have been unable to appreciate it, it is difficult for them, and perhaps that might have been at the bottom of what Your Excellency describes as the natives having failed to appreciate or take advantage of the provisions of the Ordinance.

With regard to the Survey Department, on page 118 of the Address Your Excellency says as follows:—

“More than two-thirds of the European personnel are survey probationers under training and some years must elapse before the full effect of the increase in staff is reflected in the volume of output of work.”

If then, Sir, the cardinal principle of Government policy is economy, the question that naturally arises is, why should not a large percentage of African Surveyors be drafted to do the duties, and why should not a large percentage of African Surveyors be trained? If that is done, and it is a humble suggestion from the layman's point of view, Sir, a good deal of the money which is spent in passages, emoluments, and other appurtenances, and finally pensions, would undoubtedly be saved to the benefit of the financial situation of the country.

This, Sir, leads me to the question of recurrent expenditure. We are told, Sir, on page 120 of your Address that:—

“The Public Debt at present remains unchanged. It now stands at £23,559,210 or £1 5s. 1d. per head of the population of Nigeria and the annual charge on account of Interest and Sinking Funds is £1,327,124 towards which the Railway contributes almost half.”

This statement, Your Excellency, may not be at all displeasing and nobody will grudge money spent on things like essential public works or community services, whereby the health and the economic well-being of the people would be benefited; no one, Sir, will grudge money spent on transportation such as railways and roads. It is only what has been described as unremunerative work and the huge bill which is represented by emoluments and their appurtenances that the taxpayer is complaining about. In this connexion, Sir, a careful examination of the recurrent expenditure reveals under Head 36 that £1,000,000 is to be expended on Public Works Extraordinary, and when you take that into consideration and add to it, what is also revealed after careful examination, that sixty per cent. of the recurrent expenditure is swallowed up by emoluments and allowances, and add to it also the increase in the Pensions Bill of the Colony, I think you will agree with me that there is cause for complaint as to the recurrent expenditure.

I am not by any means, Sir, suggesting that the Government should do away with their European staff; I am not suggesting that the Government should not even employ Europeans; I am suggesting that if the recurrent expenditure had been something like thirty per cent. for European staff, twenty per cent. for African staff, and fifty per cent. for the remaining recurrent expenditure, the financial outlook from the point of view of the man in the street would have been much more pleasing than it is at the present time. (Applause)

The Hon. the Banking Member (Mr. I. M. Derapath): Your Excellency, I have no intention whatever of making a long speech: my remarks would have been fewer had it not been for the timely reminder of the Honourable the Second Lagos Member (Mr. E. O. Moore) as to incapability of the Unofficial Members of the Council in the criticism or in the braking of Government expenditure. I wish merely to stress the points that have been made by my friends the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) and the Honourable Commercial Member for Lagos (Mr. R. F. Irving) in what I have to say at the moment.

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The first point is that raised by the Commercial Member for Calabar (Mr. G. Graham Paul) as to the difficulty that Unofficial Members experience in finding sufficient time in which to criticise or examine the Estimates with a view to offering constructive criticism when they come before Council. In my own case and at my request, the Estimates were sent to me to meet me at Freetown. I can assure you, Sir, and Honourable Members of this Council, that I was very sorry to see them when they arrived. As you are aware, Sir, we Unofficial Members of this Council have to bear in mind that our principal business is our own business or the interests of our employes. We cannot give the time to these Estimates that must be given by the members of the Government who have to frame them. Further, we have no data to call upon, we have no files that can be produced to show how the Estimates as they reach individual members have been pruned or have been increased, and we merely have to take the thing on the word of the statements made to us when we reach Committee stage. In other words, we have to criticise them blindly.

My examination of these Estimates has been a very cursory one and I can assure members that it has been no labour of love. The method of criticism, as far as I have indulged in it up to the present moment, has been to read the Memorandum on the draft Estimates, and to get what peace of mind I can from that. In the course of my reading of that Memorandum I have been struck by the stress which has been laid by Government on the necessity for the strictest economy. I was very pleased to see it, and I have no doubt that Heads of Departments generally, Sir, are feeling at this particular moment that if they really could only do what they wanted to somebody would be for it, and they are all feeling that their own pet schemes will go to the demnition bow-wows because of the economies that have been effected at their expense. In that respect I read certain portions of Your Excellency's Address and I note that you also sound this warning and stress the necessity for the strictest economy the whole way through. I have no doubt Government has exercised the very greatest care in the compilation of its estimates, and has used the pruning knife ruthlessly. They now present us with the Estimates and with the Memorandum on the Estimates and they say, do your best with them: we have exercised the very strictest economy. And by means of this strict economy they estimate they will have a balance of assets over liabilities on 31st March, 1930, of some three and a half million pounds, but they say that is far too close to the three and a half millions which we have decided must be a minimum reserve fund for contingencies, so let us combine this very strictest of strict economies with a little usury, and so they promptly introduce an Order-in-Council to get another £100,000 out of the unsuspecting taxpayers. (Laughter.) I must say at once that I have no remarks to make against the introduction of that Order-in-Council; personally I think it is very sound finance, but nevertheless the fact exists. Unfortunately from a commercial point of view, it is very difficult for us to work that way ourselves. (Laughter.)

I cannot associate myself with the remarks of the Honourable Member for Calabar (Mr. C. W. Clinton) if I heard him correctly—and I may not have done so. I understood him to say that in the interests of economy we should ask ourselves the question: "have we any money to spare?" He receives the answer that apart from our reserves we have no money, so he says let us recruit lots of European officials and that will put the matter right.

The Honourable Commercial Member for Calabar (Mr. G. Graham Paul) made a suggestion, a very faint suggestion I admit, as to the desirability for an independent investigation into the spending departments, on the lines I take it of the investigation made by Colonel Hammond some time ago into the Railway. I cannot help feeling, Sir, that that is a suggestion which might be examined by Government. It happens in a great many instances in business that investigations of this sort take place, and my own feeling is that spending departments would welcome an independent official examination of the whole of their internal working with a view to assisting Government as far as possible to reduce their recurrent expenditure.

In the Estimates which are now before the House, on page 3 there is a very illuminating little table. From it I have extracted this information; that the increase in revenue during the four years 1924-1928 was £1,738,656. It struck an ordinary layman like myself who is accustomed to dealing with figures, as rather extraordinary that the ordinary recurrent expenditure increase over those

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same years is almost identically the same amount, namely £1,682,582. That is to say the total increase in expenditure amounts to £3,328,530 in those four years. I may say I took those four years because I did not want to add any more, I was not feeling strong enough at the time.

We are now in the position on those figures of a man in receipt of a definite salary who was just making both ends meet four years ago. He is now getting an increase of £100 a year on that salary, and he promptly says: "Hurrah, let us spend £20 more a year." That is how the situation pans out on those figures, and nobody can get away with it.

Another illuminating fact is that since 1921 the total revenue as shown by this table on page 3 of the Estimates amounts to roughly forty-eight and a half millions. The total ordinary recurrent expenditure in the same period amounts to nearly thirty-nine millions. In other words we have raised in revenue forty-eight and a half millions; we have spent in ordinary recurrent expenditure thirty-nine millions leaving a difference of nine and a half millions to put into the country in those years by way of development. On the face of that, Sir, something seems to be the matter.

I feel sure Government will acquit the Unofficial Members of this Council from any desire to embarrass Government in any way. We would be glad of the opportunity of assisting Government in every way particularly over these Estimates, in the service of the Council and in the development of the country itself. With that end in view, Sir, I would ask whether it is not possible for Government to consider a further use of the services of the Financial Committee than those which are called upon in the ordinary Committee stage of the Finance Bill. Would it not be possible, Sir, so to arrange that the Financial Committee might see these Estimates as they are being prepared? Or, could they not have some opportunity for criticising the estimates during their preparation before they are laid on the table of the House? I feel sure that Government desires the fullest co-operation from the commercial community. I regret I am not in a position to indicate any particular procedure that Government might adopt to give effect to the suggestions which I have made, and all I can do is to make the suggestions and leave them to Government to consider.

There is one little point that I would like to raise, Sir, in view of this general expression for the strictest economy being exercised—if I may trespass on yours and the Council's time for a few moments—if you will look at the Memorandum on the Estimates, page 6, under Head 7—Interest. It is stated there that there is an increase on investments. Paragraph 35, item 2—Funds on deposit or at call:—

"The interest estimated under this item is that which would be earned on a sum of £2,000,000 at 4½ per cent. per annum in one year assuming that the amount would be completely expended by regular recurrent payments during the course of the year. This and the preceding item are not capable of exact forecast. If the financial situation improves to such an extent as to delay the issue of the new loan then more interest will be received from our improved balances, but less from the Loan proceeds."

Then on page 9, Head 6, paragraph 68:—

"The net increase under this Head is £228,082, after deducting the value of Railway reimbursements. The increase is due to the necessity for providing a whole year's interest at 4½ per cent. on the new Loan of £5,000,000 which it is expected will be floated early in the financial year, assuming that the money is raised at par."

Now, Sir, as I read that second paragraph, this is how the position commends itself to me. We are going to borrow £5,000,000 and we go to a gentleman who is willing to lend us that sum, and we say "what will you lend us £5,000,000 for?" He replies "4½ per cent", and we say "thank you very much, we will accept that." Having done that this same gentleman comes along and suggests that we should put in on deposit with him at 4½ per cent. for twelve months on the ground that we are not going to use it for that period. I myself will guarantee to lend the Government £5,000,000 if I can do it on those terms. (Laughter.)

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Paragraph 69 then goes on:—

“ It is possible, however, that the full amount will not be required if the Crown Agents for the Colonies postpone the date of raising the loan until such time as the market is considered favourable; and, in any case, it will be partially offset by the inclusion of an additional sum of approximately £225,000 under Revenue Head 7, items 1-2, consequent upon the investment of additional surplus funds repaid from the new loan.”

I submit that is a little misleading to those of us who do not know how these things are actually done. I read from that that it is expected to get the full year's interest of $4\frac{1}{2}$ per cent. on this £5,000,000 loan, and at the same time we are going to mark the whole of this £25,000 as reserve against any interest which we have to pay, but that the interest we have to pay may be less than that anticipated by virtue of the fact that the loan may not be issued until late. It seems to me if we are depending on the investment of these loan funds that we cannot invest them until we have got them, and the moment we have got them we have to start to pay $4\frac{3}{4}$ per cent., so that we can say definitely that the interest whatever it amounts to under Revenue, Head 7, must bear a precise relation to the flotation of that new loan. It may be there is some other view, and that I have misread it; if so, the Honourable Treasurer will correct me. I mention it merely as having appeared to me in that particular way. (Applause.)

His Excellency: Council will now adjourn until 2.30 this afternoon.

Council adjourned at 12.45 p.m.

Council resumed at 2.30 p.m.

His Excellency: We will continue the debate on the second reading of the Supply Bill.

The Hon. the Commercial Member for Kano (Mr. J. W. Speer): Your Excellency, I desire to associate myself in every possible way with the Honourable Commercial Member for Lagos (Mr. R. F. Irving) and the rest of my unofficial colleagues who followed him, with regard to the need for economy. I must confess that when I heard the figures given by the Honourable Commercial Member for Lagos (Mr. R. F. Irving) this morning, especially in regard to the European personnel of this country, I rather wondered whether those figures could possibly be correct in so far as I think he said that in 1925 there were 1,510 non-official Europeans in Nigeria and that in 1927 they had dropped to 1,483, whilst the number of officials in 1925 was 1,671 and in 1927, 2,664. I have looked up the Director of the Medical and Sanitary Service's Report for 1927, and I find those figures are correct, Sir, and that they were worked out on the basis of a monthly average. I also find that at the end of 1927 the number of officials in this country had shot up to 3,017.

Those figures have not been supplied, if I may say so, by the Lagos Chamber of Commerce, but from documents which are issued by His Majesty's Government. I can well understand, Sir, why the number of non-officials should be less to-day than in 1925, because commercial houses have for some time been going through a period, as we all know, of economic stress, and we also know that when businesses are confronted with periods of that character, it is very necessary to cut down over-head charges; particularly in regard to office buildings that I know very well I can assure you, Sir, that that has been done very drastically.

May I say I agree with the Honourable Commercial Member for Lagos (Mr. R. F. Irving) that we do not bring these figures forward, or remind you of them in a captious or critical spirit. I know it is extremely easy to criticise and that it is far more difficult to offer alternative proposals, but I do submit, Sir, that these figures give us food for thought, and if Government is instituting an enquiry of their own accord, then perhaps some reductions may be effected. May I pursue that a little further and say that I have been going through the personal emoluments as laid down in the Estimates we are discussing now, and I find that these figures do not include passages, allowances, pensions or anything than just bare salaries. The estimates for salaries only are given as £2,449,638. Now in 1925-1926, a little over three years ago, the

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Treasurer's Report states that personal emoluments—salaries alone again—came to £1,882,933, so that in just a little over three years on salaries alone there is an increase of £566,705. I propose to leave those figures and to say I feel perfectly certain that as always, anything we bring forward will receive the attention of Government. I need hardly say that the largest increase in those salaries belongs to the Public Works Department.

May I leave that and refer to the increased tax on petrol. It was with some regret I heard yesterday morning that you propose to put what amounts to an increase of two shillings a case on petrol. I think it is rather a pity in a young country like this, where transport and development, especially road transport, is so necessary that it was found necessary to increase the petrol tax. I suppose there was no happier man than the Honourable General Manager of the Railway yesterday when that increase went through, for it is quite obvious that it places him in a favourable position in the competition between railway and motor transport. In connexion with that if the Honourable General Manager of the Railway had known he was getting a windfall for the railway of £50,000, he might have given a more generous reply to my question than he gave yesterday when I asked whether some facilities could be offered on the railway for the wives of non-officials. It is not a very important point, and I do not suppose it would have cost very much, but the General Manager saw the Chamber of Commerce at Kano and we put the question up to him then and he said he could not see his way clear to suggest any alteration to the present arrangement. I therefore drafted out a question and handed it to the Honourable Chief Secretary to the Government, and it was somewhat to my surprise that the Honourable General Manager of the Railway replied to both sections of my question this morning with a very laconic negative. May I say, Sir,—I think I am quite in order in referring to this here—I cannot understand, as appears from the answer to the last part of the question, that Government was not aware that shipping companies had been giving such facilities. I thought it was within the knowledge of everyone that all shipping companies serving this port had been giving facilities for some considerable time past. I would like the Honourable the Acting Chief Secretary to the Government, if he can feel so disposed, to give us some idea of the Government opinion and attitude on this matter.

May I refer to the Veterinary Department and say that I notice that the net increase provided for the year is £5,206. I certainly am not going to cavil against that because if there is one department that, at any rate the commercial people of Kano feel is justifying itself, it is the Veterinary Department, and they feel that this extra expenditure which this Honourable Council is being asked to approve is most certainly justified.

I would like to draw the attention of Honourable Members to Sessional Paper No. 2—Proposals for Improving the Quality of Goatskins. Here, Sir, is an aspect of the hide and skin industry of Kano which some members coming from other Provinces will know very little about, but we regard the Government proposals for improving the quality of goatskins as very important. We also regard as very satisfactory the growing importance of the campaign against disease. Here is a case where you have opportunities for reform in your own hands; that is, you have plant and machinery at your disposal, and already as a result of the new policy adopted by the Veterinary Department, the benefits have been particularly noticeable.

I do not propose, Sir, to go into the Estimates for Kano that is provided for the year; I think I would rather wait until we take the matter in Committee, when we can see what progress has been made since we last met. (Applause.)

The Hon. the Member Representing the Niger African Traders (Mr. S. C. Obianwu): Your Excellency, I have only a few words to say, and in regard to the Estimates those Unofficial Members who are financial experts, have covered all the ground. There is only one point I wish to mention and that is we think that the copy of the draft Estimates ought to be given to us earlier than is being done at present, and I wish to ask Your Excellency whether it would not be possible for Government to give effect to such an arrangement, so that Unofficial Members might have the copy of the draft Estimates at least two weeks before the Session during which they are to be discussed. Of course I quite realise the enormous work that the compilation of estimates causes the various Heads of

Departments, but at the same time our feeling is that we have a very poor chance of acquainting ourselves with all the figures contained in them: the earlier we get the estimates the better chance we have of being able to follow all the items. I put it for the consideration of Your Excellency that in future arrangements be made that Unofficial Members have their copy of the draft Estimates at least two weeks before the Session at which they are to be considered.

Apart from that I only wish to deal with two points. One is the Provincial Court. I feel very reluctant personally to say anything about it, because it seems to me that appeal following appeal has been made in this House and elsewhere in regard to this Ordinance, but up to the present they have been made in vain. The Government has not thought it fit to effect any change in the Ordinance, but I have been asked by the people whom I represent to bring the matter up once more. I think it was the Honourable the First Lagos Member (Dr. C. C. Adeniyi-Jones) who said something about it this morning, and in the place where I come from great interest has been taken in the recent case in the Gold Coast, perhaps Your Excellency may have read it—I refer to the recent Knowles case—where a European was tried and sentenced, but not executed under an Ordinance similar to the Provincial Courts Ordinance, which we have in Nigeria. My constituents say that for one European who has been sentenced by the Provincial Court of the Gold Coast a big hue and cry has been made in the English papers, but year after year we find in Nigeria that Africans are sentenced in great numbers who have been tried in the Provincial Court: They are executed and nothing is said about it. I will call Your Excellency's attention to the reply given in answer to a question raised by the Honourable the First Lagos Member (Dr. C. C. Adeniyi-Jones). I think the Honourable the Acting Chief Secretary to the Government in his answer said that during the last five years fifty-two persons were executed who have been tried in the Native Court and 263 persons executed who have been tried in the Provincial Court; that is to say about ten every year in the Native Court and fifty-two every year in the Provincial Court, a total of sixty-two. I think this is a matter which is worthy of the consideration of the Government. We have been told that the Secretary of State has no intention of making any alteration in the existing Ordinance, but I feel it is the duty of the Government so to place the matter before the Right Honourable the Secretary of State for the Colonies that he will see his way clear to advise some amendment to the Ordinance.

The other point I wish to speak about is Niger lands. I notice in Your Excellency's Address on page 29 that it is said:—

“ Considerable advance has also been made in dealing with a number of questions in connection with Niger Treaty lands.”

I do not understand quite what it means and possibly Your Excellency will give some indication as to what that advance is. I had some discussion with the Honourable Commissioner of Lands on this question last year, and he gave me to understand that the Government had not yet gone thoroughly into the matter of Niger lands in order to form an opinion and to say what the policy of Government is going to be. I do not know whether that policy can be given now, but as far as I know, people up the Niger, at least some of those who have interests in lands known as Niger lands, think they still have rights on those lands. When His Excellency Sir Graeme Thomson visited Onitsha last time the Honourable Member for the Ibo Division (Mr. I. O. Mba) and myself saw him on this matter and he promised us then that before Government took any steps ample opportunity would be given to the representatives of the people who claimed an interest in those lands. I do hope Your Excellency will fulfil that undertaking and that as soon as Government forms some opinion as regards the policy it is going to adopt as regards Niger lands, an opportunity will be given to people who claim interests in these lands to put forward their claims and have the matter thoroughly discussed with the Government. That is all I have to say, Sir. (Applause.)

The Honourable Member for the Rivers Division (Mr. Mark Pepple Jaja): Your Excellency, the few remarks that I am going to make do not qualify me to come up to the speaker's table. I only wish to associate myself with the Unofficial Members in their remarks as regards the Estimates. Sir Hugh Clifford said some

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time ago that Unofficial Members were to be allowed to have responsibilities as regards the expenditure of Nigeria. Year in and year out Unofficial Members have been unable to make a reduction of a single penny, but every year we come complaining, bleating like sheep, about expenditure yet nothing has been done. I submit the suggestion that in regard to the Estimates Unofficial Members and Heads of Departments be asked to a round-table conference so that Unofficial Members may suggest a twenty-five per cent. reduction in the Estimates. (Laughter.)

His Excellency: Does any other Unofficial Member wish to speak on the second reading of this Bill?

No other member having expressed a desire to speak His Excellency continued:

His Excellency: In that case I will call upon Official Members whose Departments have been mentioned or criticised to rise in turn, commencing with the junior and answer such questions to the best of their ability.

The Hon. the Acting Postmaster-General: Your Excellency, the Honourable Member for the Egba Division (Mr. S. H. Pearce) has directed attention to page 66 of Your Excellency's address, last paragraph, dealing with the revenue from telephone. It says there the telephone revenue is estimated at £8,313 in 1928 as against £7,422 in 1927, an increase of twelve per cent., and he gives this as an argument for a reduction, or puts it forward either as an argument for reducing the rent from £20 to £15 per annum. I think the Honourable Member is under a misapprehension, Sir, as to what exactly the meaning of that twelve per cent. increase represents. It represents the increase on new subscribers to the telephone; it is not a balance sheet, it is simply the increase on the number of telephones taken up by individuals in Nigeria, and the working expenses of the Department have gone up proportionately. It is not any increase in the revenue as against expenditure. I cannot therefore recommend that any reduction should be made in the telephone rental of Nigeria.

The Hon. the Commissioner of Lands: Your Excellency, I think the only point that I am required to answer, is the question raised by the Honourable Member Representing the Nigerian African Traders (Mr. S. C. Obianwu) about the so-called "ghost" lands. There has been no change in the policy of the Government; these lands are Crown lands and the only difficulty that has arisen up to date is that it has been difficult to ascertain where these lands are, and what their extent is, and their present condition, as no survey has yet been made on them. It has therefore been found necessary to carry out a survey of these lands to record their boundaries and find out what is their present state of occupation. A lands officer has started round to make this investigation. He is going to inspect these boundaries and he is going to find out from the people on the spot what claims they have to occupation. This officer will make a report to Government and until his report has been received no further action will be taken by the Government on these lands, so I think the Honourable Member need have no fear that any action is about to be taken at this date, or until the matter has been further investigated.

I think he rather anticipated a question which will be replied to to-morrow as to whether the claims of anyone occupying these lands will be heard, and he will be assured that anybody who has any claim or the relatives of any people who have any claim will be heard if they come along and put in their claims to the officer investigating the matter.

The Hon. the Director of Agriculture: Your Excellency, the only point I have to answer is one raised by the Honourable Member for the Egba Division (Mr. S. H. Pearce) regarding the pupils who are being trained at the Agricultural Training School at Ibadan to fit them for posts at present held by European officers. That, of course, is not the case. It is the hope of myself and I may say of the Government, that we shall some day have a West African Agricultural College which will enable students to receive a higher level of education than we can give at present but it is quite out of the question for us to do that at present. It is like speaking of a High School giving a University education.

The Hon. the Acting Director of Public Works: Your Excellency, many comments have been made on the increase of staff in this country, but the Honourable the Commercial Member for Kano (Mr. J. W. Speer) seems to be the only one to have pointed out that the Public Works Department had, I think he said, the largest increase. Two years ago on my first arrival in the country I had to listen to a storm of criticism that the Public Works Department had for a long time failed to carry out a programme of works laid down for it, and that it was understood that the difficulty was lack of staff. Why could not the Public Works Department get staff like anyone else?

We have now got the staff, and I think we have removed the reproach that we are unable to carry out the programme in front of us. The Honourable the First Lagos Member (Dr. C. C. Adeniyi-Jones) referred in general terms to the percentage of African staff to Europeans. That is a disturbing feature to all of us but I will give an instance to show why we are unable to alter this condition. In the Public Works Department to-day out of a total staff of roughly 330 clerks, there are only 170 who appear on the establishment. Of that 170, only 120 are on the establishment definitely either by reason of the fact that they were there before the present regulations as to qualifications were introduced or because they possess the necessary qualifications. Nearly fifty of those appointments are held by young men who have not the minimum qualifications to get into the Clerical Service. That is why to-day we are unable to employ more Africans.

The Honourable Member for the Egba Division (Mr. S. H. Pearse) mentioned a point, which though not intimately concerning the Public Works Department, I may be able to supply some information about. He referred to the Government Analyst. Part of the duties of the Government Analyst are to analyse water supply samples, and he has in fact analysed samples of the water now served out at Abeokuta, in connexion with the investigations for a better supply.

More than one Honourable Member made reference to the subject of contract work, and before making a few very general comments on contract work, I would say that it is the declared policy of Government, which has been put into effect and will continue in effect, that as much work as practicable shall be given out on contract. But I would remind Honourable Members that contracts with European firms trading in Nigeria are not the only form of contract which Government may be expected to enter into. It is possible that considerable arguments might be used to show that more offers to enter into contracts for Public Works are being made with people in the country.

In the figures given yesterday in reply to a question on this subject I showed that a very large proportion of expenditure under the Head, Public Works Department, was in fact the result of tenders or at least enquiries, and contracts made on the best terms under such enquiries or tenders. A year ago I made an exhaustive analysis of the cost of work in the Department and of the experience I had had up to date in calling for tenders. In this case the tenders refer to those entered into by local European firms. In inviting tenders we have been careful to choose only such works, that in relation to the Railway or to the bigger centres, were at places at which contractors could work easily and not be put to gross inconvenience in having to carry out works a long way away from reasonably centres of communication. Of all the tenders received, the average was nearly forty per cent. higher than the departmental estimate of the cost of those works. In the cases where the average was greater Government did not feel disposed to enter into contracts, but in approximately half the cases where the disproportion was less, contracts were entered into. It is not possible to enter into contracts unless the advices tendered are advantageous. I will not discuss now the vexed question of what departmental costs really are or ought to be: I have my own ideas on the subject, and no doubt I shall suffer for them in Committee.

Both the Director and myself came to this country from countries where it is very unusual for any work other than maintenance work to be done otherwise than on contract, but as far as the country from which I came is concerned, I can assure Members that the tenders received and accepted from firms for works were invariably approximately equal to or less than the departmental estimate for the cost of those works, without regard to the departmental expenses at all. The reason for that is quite plain. This country has a

totally deficient among the African under conditions than the Department large numbers to supervise the declared policy country, and I work is put out.

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The Hon. the Commercial and Honourable Member Calabar (Mr. G. G. for the sale of commodities arrived Crown Agents, agents. If Honourable member on the Board Cory others will Nigeria and I may dispose of to-day of. I think one should fact that this is a guarantee being delivered world their various publish monthly.

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Works: Your Excellency increase of staff in the Member for Kano have pointed out that he said, the largest in the country I had in the Works Department programme of works laid the difficulty was lack of staff.

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totally deficient supply of artisans, and an utter lack of leaders among the Africans: it is quite impossible to operate effectively under conditions like that, and the contractor in no better case than the Department if he has to employ Europeans to supervise large numbers of individual units of workers instead of being able to supervise trained men. However, as I said before, it is the declared policy of Government to encourage contractors in this country, and I personally—though I am sure I shall not be here long enough to see it—look forward to the day when most of the work is put out to contract: it is the proper method to do so.

Some reference has been made to an investigation of departments, and the investigation conducted by Colonel Hammond into the Railway was instanced, and it has been suggested that some similar investigation or commission should sit on the other Departments. It may interest Honourable Members to know that I have been through one of those examinations. A Commission sat on every department in the country from which I came and it examined with great care the whole of the procedure; the result was that the whole of the best brains in the country for a period varying from three months to twelve months, were engaged not only on the work of their department, but in proving to these investigators what thoroughly sound people they were. How much good came out of it from the point of view of other departments I cannot say, but as far as my own department was concerned, when the recommendations from the Director of Public Works were put forward to the Committee that sat on him, they were wholly accepted by the Committee. It is not quite reasonable to expect Government officers to expose the whole of their weaknesses to an investigating Commission or to use their brains otherwise than in demonstrating how clever they are. I might instance the story of a medical officer who had built up a big reputation over a long time for the splendid work he had done at great self-sacrifice, and his hospital and his health work were a model to the whole country. A new health officer arrived in the country whose duty it was to examine the work of this particular medical officer, and he visited the hospital. He told him he had come, not as a critic, and not with a view of crabbing anything, but as a disciple in order to learn what he could. The medical officer took the visitor round, taking great pains to gloss over the good work he had done and the good results he had obtained, in order to show all the bad things which were to be avoided. The visitor went away and wrote a report in which he mentioned nothing but the bad things. The officer recognised that he had brought it solely on himself and said he had made a mistake.

If a Commission were appointed, it would be as well to remember that the co-operation of the departments themselves would be the biggest factor. (Applause.)

The Hon. the General Manager of the Railway: Your Excellency and Honourable Members: the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) mentioned the question of the agency for the sale of coal in connexion with the Colliery. This arrangement was arrived at during my last leave at a meeting held at the Crown Agents, and Messrs. Cory Brothers were appointed sole agents. If Honourable Members will look at page 10 of the Memorandum on the Estimates, the matter is explained there. Messrs. Cory Brothers will endeavour to sell our coal to people outside Nigeria, and I may say this will be exclusive of the coal that is disposed of to-day to the Gold Coast Railway. For a commission of, I think one shilling a ton, they have agreed to advertise the fact that this is available. They will state they are the agents guaranteeing delivery and they will advertise it throughout the world in their various periodicals and in the information that they publish monthly.

The reduction in the estimated output of the coal mine is due solely to the failure of the tin fields to take the tonnage which, I may say, I received last Christmas a definite assurance that they would be in a position to use. The amount they estimated was very large, therefore we queried it and went into details, each mine submitting its estimated consumption, but I am sorry to say that the market for coal to-day has fallen by something like fifty per cent., and whether this is due to the low price of tin or to amalgamations that have been taking place, I am unable to say.

The Honourable the Commercial Member for Kano (Mr. J. W. Speer) mentioned the fact that he had asked the Honourable the Acting Chief Secretary to the Government if an answer could be

given as regards the possibility of giving a reduction to ladies—wives of Europeans who come out here—similar to the facilities that have been granted by the shipping companies. It is regretted that the answer given, which was to the effect that the reply to that part of the question was in the negative, was not correct. Government is aware of the facilities granted by the shipping companies to ladies coming out to the coast by which considerable help is given to both wives of the non-officials as well as to the wives of the officials.

There has been no specific charge levied against the Railway, and this is rather pleasing. There have been, however, certain general charges as regards the Government, and the Railway being among the largest departments, I think it behoves me to answer to a certain extent and, if I can, to explain the position. We on the Railway fully realise the necessity for economy. We have to pay our way. You are doubtless aware that the finances have, on paper, been separated from those of the Colony, and we are in the position to be or we are told that we have to be, self-supporting. At the same time you will fully realise that you cannot earn money unless you spend it. It will doubtless be within the recollection of many of you how, in 1920, a cable had to be sent home to Liverpool and London prohibiting imports coming in here until we could clear Iddo from the congestion which existed all over the system. The passengers at that time were so numerous, we were absolutely unable to carry them. I may mention I got a protest from, I think it was Egbaland, because I refused to allow passengers to travel on the roof! The trade of the country was undoubtedly adversely affected, a result of course of the after effects of the war. We were still short of rolling stock, and we were handicapped in every way, and that affected the whole country. Generally speaking since the war our policy has been to reduce rates, and I don't think there is an instance that can be quoted where a principal commodity, or any article that is in daily use in the country has had the Railway rates raised on it. To begin with, I may say, that the rates on the Railway are not high. They compare most favourably with those railways and systems which are much more favourably situated and are not four or five thousand miles away from a base of supplies, and who have not to carry three men to do the work of two and labour under climatic difficulties on which I need not enlarge.

I have been in charge of the Railway for just ten years, and I rather pride myself that in those ten years I have very nearly doubled the capital, but in doubling that capital I would state that you have to-day a very efficient machine. It is to-day in a position to do the work which I stated it should be able to do. Last month from Kano we loaded 28,000 tons of groundnuts alone, and if it had not been for the Christmas holidays, 30,000 tons would have been sent down. One thousand tons a day over a 705 mile line is very good effort for a tropical railway situated as this is. A railway of this nature which has now reached its present efficient state of development must be kept so; it cannot remain stationary; it must go forward or back, and Honourable Members must be prepared to sanction or to agree to expenditure on this work—the main artery of the country. The whole trade of the country, the efficiency of the Government, your livelihoods and so on, to a certain extent depend on that Railway being run, and run properly. At the moment we have ceased any new construction of lines, but I hope it is only for the moment. We are investigating other schemes so there is a possibility we shall be asking you at some future date to sanction loans to put these into operation. They are big schemes but they will not be gone on with unless we can see a reasonable chance of them paying for themselves within a period of, say, five to ten years.

I would like, with your permission, Sir, just to mention that in view of the present prosperity of the country, particularly in the North—the groundnuts trade, hides and skins and cotton (which is even better than the original estimate)—we are hard pressed everywhere to bring this in to the various junctions, and this work devolves on our motor transport, and it is possible that the position of the Railway at the end of the current period, that is 31st March, 1929, may be even better than the estimate which we were able to put forward last November, before we knew the condition of the crops and the state of affairs in the North.

I do not know whether Honourable Members realise that the Railway is responsible for £892,298 of the interest payable by this

Feb. 1, 1929.

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placed his head in the lion's mouth. I do not know whether he wanted to put his head in the same place again. I can only reply to him by referring him to the remarks that fell from the lips of my predecessor in doing with this subject—most illuminating remarks too. I do not propose to read them all but they do explain the whole situation and must remain in the memory of everyone who was present in this Council at the time. I will only read one paragraph, with your permission, Sir:

"A great deal has been said, Sir, on the question of loans, and our public debt, and it has been pointed out that comparatively speaking, it is a small public debt. My reply to that is 'Thank God!'. It enables us to go to the public with a clear conscience and a better argument when we need further loans."

Honourable Members, we are in the same position now. We still have that small public debt, we still have that clear conscience, and we are committed at the present moment to a loan which we propose to go to the market to float. The Council is thoroughly aware of the position. In fact last year there was a Head in the Estimates "Advances from Surplus Balances in anticipation of a Loan"—is Head was included in the Estimates placed before the Select Committee.

We have also a clear conscience on the question of the Sinking Fund. As Honourable Members are aware, we now propose, and in fact are doing so, to set aside voluntary contributions to the Sinking Fund which will, as you have heard, redeem that fund at the date of maturity. It gives us the option of redeeming the fund even before that period, at the earliest possible date we are allowed to do so. That makes our position clear and we can go to the public for this new loan with a clear conscience.

There is one other question I should like to touch upon, and that is in relation to the increase in recurrent expenditure. We have had a great many figures quoted this morning; I need not recapitulate the reasons which prompted the Government, and rightly so, to embark upon large schemes of development some years ago. We had large surplus balances; the country needed developing and with the consent of everybody concerned, this Government embarked on a programme of development. Well, this programme carried with it not only the money which we spent on such development, but the percentage result of an increase in the maintenance charges, otherwise the recurrent charges. It was not, I am sure, considered possible by any Member of the Council that we were going to spend so much money, say one million, or one and a half, or one and three-quarter million pounds and then finish. All those works carry their maintenance charges year by year, but what is more, we anticipated an increased revenue to meet them. We have had that increase in revenue, and you have heard how it has gone up year by year and we have arrived at a stage, as we have read in Your Excellency's Address, and as the Honourable Chief Secretary to the Government has told us, where the brake is to be applied. Development has been carried out and is being carried out, but there is no doubt about it, and those of you who have read the Estimates, and again in the Committee, will see how much that brake is being applied. One of the results will be that it will check the increase in the recurrent expenditure, not first but gradually, and so I should like Honourable Members to take that into consideration, and to realise that the policy of economic development which the Government is now setting up must carry with it all those considerations.

The Honourable Member for Calabar (Mr. C. W. Clinton) made several comparisons with the Gold Coast Estimates. It is unnecessary for me to refer to the size of the Gold Coast and to the size of the population in comparison with Nigeria, but I will say with regard to these Estimates—it is a position the Honourable Member may have overlooked—that when the Gold Coast embarked on a wide scheme of development the financial position was set out in a slightly different manner. Instead of the development works being added to the Heads of the Departments which were concerned, they were grouped together under one head, an arrangement that was called "Estimated Special Expenditure from Surplus Balances", so that when the Honourable Member makes a comparison between the Gold Coast with regard to expenditure he must remember that,

because that figure was £65,000,000 more than the year before.

The Honourable Member referred to the fact that this year the "Other" side of the Revenue account shows an expenditure of more than £225,000,000 which is 43 per cent.

The Honourable Member referred to the fact that the Treasury's estimate for the year 1925-26 was £225,000,000, which is 43 per cent.

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because that figure in some years is extremely large. In 1928-29 it was £765,000 (quite a large sum for the Gold Coast), and in the year before that it was estimated at over £1,000,000.

The Honourable the Banking Member (Mr. L. M. Herapath) referred to the subject of interest. That is a matter which I think can be more fully explained to him in Committee, but I will say this, that the item in the Expenditure—interest estimated under "Charges on Account of Public Debt"—is put down at the sum, I think, of £237,000; and then reference is made to interest on the Revenue side. I should say that merely means that any increase in the expenditure in interest in respect of the Loan is offset by the sum of money that we shall receive as interest on the unexpended balance of the Loan, when we get it, and on the sums we have advanced from Surplus Balances. What it amounts to is that the £225,000 which we estimate we shall receive as interest is equivalent to 4½ per cent. on £5,000,000.

The Honourable the Commercial Member for Kano (Mr. J. W. Speer) referred to some figures regarding expenses in connexion with Personal Emoluments—I trust I heard him right—he referred to the estimated figures of Personal Emoluments and compared them with figures of years past which he said he obtained from the Treasurer's report. The first figures were estimated figures for the coming year, but the figures referred to in the Treasurer's report were the actual figures for the other year, and there is a very real difference. As Honourable Members know, the estimates for Personal Emoluments are always in excess of the actual expenditure.

The Hon. the Commercial Member for Kano (Mr. J. W. Speer): The figures I gave were for 1925-1926; I was comparing them with those in the Estimates now under discussion.

The Hon. the Treasurer: I understood you to say you compared them with the figures in the Treasurer's report?

The Hon. the Commercial Member for Kano (Mr. J. W. Speer): Yes, for 1925-1926.

The Hon. the Treasurer: You compared them with the figures under discussion. They were the actual figures of expenditure in 1925-1926, and those under discussion are the estimated figures for next year. That is my point.

I should like to point out, Sir, to Honourable Members so that they might satisfy themselves that our present financial position is thoroughly sound. We are budgetting in fact for £200,000 less expenditure next year than we budgetted for in the last year's Estimates, in spite of the fact that the Estimates for this year includes two items, one of £260,000 represented by the voluntary extra contribution to the Sinking Fund, and a contribution of £332,000 towards the Railway Renewals Fund, provision of which it is wise and prudent to make. I think, Sir, if we take all these facts into consideration, Honourable Members will agree that the Government's programme for the coming year is drawn up in such a manner that it cannot be said to be failing in its duty or in its financial responsibilities to the country. (Applause.)

The Hon. the Acting Director of Medical and Sanitation Service: Your Excellency, I think it was the Honourable Member for the Egba Division (Mr. S. H. Pearse) who mentioned two matters pertaining to the Medical Department. The first was, in the interests of economy to train Africans as nurses to take the place of European nurses. I can assure Honourable Members that that is the policy of the Government: that is our ambition, but there are difficulties. For example at the present time we cannot get sufficient recruits as nurses in training, unless we take on males who have only passed the sixth standard, or females who have passed a lower standard, and I am certain that only a very small proportion of these can be trained to take on the duties and responsibilities of European nurses. There is hope, however, that as education spreads, and when we have got the medical colleges at Zaria and Lagos in full swing that we will then be able to get a better class of pupil and train them as nurses to take the place of Europeans, or at least to obviate any increase in the European staff.

The second point, if I heard it correctly, was no doubt as to whether congestion in Lagos was the main cause of the persistence of plague. Well now, congestion includes two things: one human

congestion and secondly site congestion, that is too many houses in a particular area. You will understand that when you have large numbers of people living in a certain area there must be a larger amount of food there, and in consequence there is a larger amount of waste food products and refuse which accrue if they are not removed. In addition to that, you have site congestion—too many houses in the area—it increases the difficulty of removing the refuse and waste products. The position of Lagos is such that the Sanitary Department is up against impossible conditions. It cannot remove the refuse and waste products sufficiently. The more there is left, the more rats can breed; the more food there is for rats—and rats breed up to food supplies—and until the congestion as it exists in Lagos is removed, the rat population will remain big, and the chances of plague being stultified become less.

On the Gold Coast during an outbreak of plague at Secoudee and Kumasi, we carried out certain investigations. Now the congestion areas in these two towns were not so bad; they were small towns and the congestion itself was slight compared with Lagos congestion. We caught rats and examined them and we found a certain percentage of them were infected with plague, both in Secoudee and Kumasi. At the same time we caught rats in Accra and we found identically the same percentage of infected rats in Accra, yet we never had one single human being contract plague in Accra during the whole outbreak. The only difference was that in Accra there are practically no areas you can call congested; the roads are wide and there is no overcrowding of the population to anything like the extent which exists in Secoudee and Kumasi, or in Lagos. The point is that you may have plague-infected rats living in certain areas but no plague among the population, provided there is no human or site congestion, and I do not believe we shall be able to say Lagos is safe against plague until this congestion has been reduced or removed.

His Honour the Acting Lieutenant-Governor, Southern Provinces: Your Excellency, I should first like to refer to a statement made in your Excellency's Address and that it is the pending retirement of Major Ruxton. I think Honourable Members will share with me the very great regret that all the Administrative Staff will feel at hearing of Major Ruxton's retirement. (Hear, hear.) Few officers of the Government have ever devoted themselves more whole-heartedly and disinterestedly to the service of the Government, and there are very few persons in this country or anywhere else who have had more at heart the good of the people entrusted to their charge. I am very sorry he is not here to address Honourable Members personally; I am sure he would do it better than I shall.

The Honourable the Commercial Member for Lagos (Mr. R. F. Irving) referred to the high figures of recurrent expenditure on Personal Emoluments, and from some of his questions I rather feared he was referring to the Administrative Staff. I do not think in doing so he was really justified. I have a statement here which I shall be very glad to show him later on if he wishes to see it, but it is too long to read now.

Taking the December figures there were 121 District Officers, Assistant District Officers and Cadets in the Southern Provinces engaged in Provincial Administration duties. This figure does not include twenty-three others working in the Secretariats, Lands Office and other departments. This meant one officer to every 753 square miles, and to every 70,519 head of population. Of these, forty-seven were unconfirmed cadets, and there was thus one confirmed officer to every 1,085 square miles, and to every 101,581 head of population. The opening up of the country by roads and railways, and the general development means that administrative officers have a very great deal more to do, and where it was quite possible in 1919 for me to run the Ondo Province as Acting Resident, and at the same time to run the Ondo Division which included Okitipupa, it is now no longer possible to do so, and the two officers who are stationed at Okitipupa are I am told absolutely overwhelmed with work, so that the position is different from what it was in 1919.

The Honourable Member for the Egba Division (Mr. S. H. Pearse) has mentioned the question of smuggling. That is receiving the very serious attention of Government at the present time, and it is proposed to send a special officer to go into the question both in Oyo and in Abeokuta. I hope the results of this investigation will be successful.

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With regard to the Aro Quarry, in 1915 the Egba Government being in financial difficulties, the Government agreed to capitalise at twenty-one years purchase all the rents of the lands leased to it in Abeokuta, and under this arrangement the Aro Quarry with other land was secured for Government for the figure of £2,000 for 999 years. Actually a sum of £16,955 was written off, the amount over £12,000 representing the outstanding interest. In the circumstances there appears to be no good reason why Government should pay anything to the Egba Administration in respect of the Aro Quarry.

The water supply and the geological survey, two matters mentioned by the Honourable Member will be gone into with the authorities concerned.

There was a reference in the speech of the First Lagos Member (Dr. C. C. Adeniyi-Jones) to the matter of the Provincial Court. There is a very considerable difference in the state of affairs in Ashanti and the state of affairs in Nigeria. In Nigeria, anyone who has litigation in the Provincial Court can apply to the officer trying the case to have it transferred to the Supreme Court. All he has to do is to pay a small sum of money—ten shillings as a matter of fact. A telegram has to be sent to the Chief Justice giving the reasons for the application, and if the reasons are good, the Chief Justice transfers the case. As to the question of capital trials, every person accused of murder, is asked before he is tried, in the preliminary proceedings and also subsequently when the case comes on for trial, if he wishes his case heard in the Provincial Court or the Supreme Court. It is explained to him that if his case is tried in the Supreme Court it will mean that he will be represented by a lawyer; he is also told that if he is unable to pay the fees of a lawyer, those fees will be paid by Government, that is to say, the lawyer is given a definite fee by Government for defending a man accused of murder. That situation is entirely different from anything in the Gold Coast, and I do not think it is fair to compare the Provincial Court here with the Court on the Gold Coast. It is not in the least like it.

The Honourable the Member for Calabar (Mr. C. W. Dighton) in a letter to the Resident, Calabar, stated that the loyalty of the people in this country was in danger of becoming "indifferent and spiritless" owing to the present system of the Provincial and the Native Courts. Personally I have not observed this phenomenon anywhere; neither has anyone else whom I have consulted. I can only presume that it is confined to Calabar where the Supreme Court operates to an extent almost unknown anywhere else, and where more appeals from the Provincial Court to the Supreme Court are heard than in any other part of Nigeria. I hope it is not due to this cause.

The Honourable First Lagos Member (Dr. C. C. Adeniyi-Jones) mentioned the "hedge" schools, and compared them with the village schools in Scotland. The village schools in Scotland are a very different matter. They are presided over by a well-read man. In Nigeria they are under the care of an extremely badly educated boy. The standard of education has as a rule been very badly lowered by these schools, and it could not possibly be to the good of Nigeria that they should be allowed to continue.

Another question raised by the Honourable First Lagos Member (Dr. C. C. Adeniyi-Jones) was the question of taxation in the Southern Provinces: that has been very encouraging as Honourable Members know. Since the collection of tax began, the extra police have been gradually absorbed, and enquiries made since the collection began lead me to the belief that the difficulties at Warri were largely due to misapprehension as to the intentions of the Government. In any case the taxation of Warri has caused no further trouble and the tax has been collected without the slightest difficulty. I also gather that the mistrust of Government which led to the disturbances seems entirely to have evaporated. I can give Honourable Members the figures of the taxes collected in four of the five previously-untaxed provinces up to the end of December. The Warri figures are not in, but I know as a matter of fact, that they also are very satisfactory.

In the Calabar Province the estimate was £57,844: the amount actually collected up to the end of December was £87,147.

In the Owerri Province the estimate was £100,884: the amount collected was £118,763.

In the Ogoja Province the estimate was £35,456: the amount collected was £42,951.

In the Onitsha Province the estimate was £60,686: and the amount collected was £72,038.

The total estimate for the four Provinces was £254,870, and the total collected £320,869. I think Honourable Members will agree that these figures are very satisfactory.

It was suggested by the Honourable First Lagos Member (Dr. C. C. Adeniyi-Jones) that certain people may possibly not be able to pay their taxes. I do not consider that this is in the least likely; the figure is low and I do not think it would distress anybody.

I should like to say that this satisfactory result is due primarily to the work of the Administrative Staff who have been very tactful in the matter of collection, and it is also due to a very considerable extent to the assistance given by Africans themselves. In the Onitsha Province at the beginning of the collection I was helped in a considerable degree by the Honourable Member for the Ibo Division (Mr. I. O. Mba), and the Honourable Member Representing the Niger African Traders (Mr. S. C. Obianwu). I am quite certain that the Resident, Calabar, was similarly assisted by the Honourable Member for the Rivers Division (Mr. Mark Pepple Jaja). I think that they all realised that it was for the good of the country that taxation should go through, and that it should go through well.

I think the only other question I have to answer is with regard to forestry. I know quite well that the Forestry Department is an extremely unpopular department in the Southern Provinces, but everything that is unpopular is not necessarily bad, and I feel sure that if the Honourable the First Lagos Member (Dr. C. C. Adeniyi-Jones) went to the Onitsha Province and the Enugu Division, and saw the amount of erosion going on there, and how great tracts of the country are becoming almost as one imagines the Sahara must be—I have never seen it—he would realise that forest preservation is wise, and therefore that it is necessary in some cases to provide forest reserves even against the will of the people. I am quite certain that District Officers look after the interests of the people when making those reserves, and do their best to see that there are no hardships.

I think, Sir, that deals with all the questions I have been asked. (Applause).

The Hon. the Acting Chief Secretary to the Government:
In winding up the debate, Sir, on behalf of the Government, I wish to say how extremely gratifying it is to Government to find that the Unofficial Members of this Council are solidly behind it in its attempts at economy. I think I said enough in introducing the Budget to indicate the continuous effort which the Government is making to achieve a reduction of expenditure, and in so far as this debate has shown that the same necessity has impressed itself upon Unofficial Members as the one thing that is of supreme importance at the present time, I can only say that the Government is exceedingly pleased to find that Unofficial Members and itself are at one in that respect. I can give Unofficial Members the fullest assurance that Government will not relax its efforts to achieve economy and to give effect to their wishes.

The principal feature of the Government Budget which has been taken by Honourable Members as the one in which more economy might be exercised is the recurrent expenditure on personal emoluments, and again Government cordially agrees that this particular item is one which must be attacked with a view to reductions if possible. Unfortunately it is the item which it is most difficult to reduce because there are so many personal emoluments which are on an incremental scale, which in itself produces a continuous increase in personal emoluments until the mean is reached, and also because a certain number of new appointments are absolutely necessary.

I refer for instance to such matters as this: the development of the country leads to the erection of new electric lighting systems or water supplies. We have an electric light system in Lagos and a staff for it, so that if we create a similar system in

Kaduna, Enugu or Calabar, there has got to be a staff, and in that way alone some increase of staff is absolutely essential. Again it must be admitted that it is of no use at all building a Medical College at Zaria and leaving it without any staff to instruct the pupils. There must be some unavoidable increase of staff, and, Sir, if Honourable Members only knew the demands for additional staff which have been put forward by Heads of Departments and have been rejected, I can assure them that they would be astonished and they would be satisfied that the Government is doing its duty in keeping an eagle eye upon the increase in staff. I only hope that Heads of Departments will mention in Select Committee what their requirements have been and how they have been "cut" to what is considered absolutely essential.

Several remedies have been suggested for avoiding the continuous increase in recurrent expenditure on personal emoluments. The principal one, I think, is that more work should be put out to contract. The Honourable Director of Public Works dealt at some length with that subject and reiterated the policy of Government, namely to give out as much work to contract as possible. Such contracts as those for the Apapa wharfage scheme, and the Benue Bridge are instances of Government carrying out that policy. I do not wish to add anything further to the remarks of the Director of Public Works except to say that that continues to be the policy of the Government. I might perhaps mention one point which seemed to me rather remarkable that was made by the Honourable Member for the Egba Division (Mr. S. H. Pearse), who complained that old and tried contractors were given more contracts. That seemed to me to be quite contrary to what I should have thought were the wishes of other Honourable Members. It seems to me reasonable that when you have a contractor who has worked well you should give him further contracts as far as possible in pursuance of the general policy.

Another remedy which was suggested was the further employment of Africans in place of Europeans, more particularly in technical jobs. Again, Sir, that is the considered policy of Government in so far as it is practicable, and sitting down and doing nothing in that respect. It is well known that at the present time there are not many technically-qualified Africans offering themselves for employment, but Government has recently appointed a Committee to consider and report upon what steps can be taken to educate Africans with a view to their filling higher technical appointments in the Government service. That Committee has just reported and its report is under the consideration of the Government.

I come now, Sir, to the complaints which we have heard before, of Unofficial Members that they are unable to comment sufficiently on the budget proposals. One reason given is that they do not get the papers that is to say the Draft Estimates, and the Memorandum on the Estimates and Your Excellency's Address, in time. One member suggested that they could get them at least two weeks before Council sits. But, Sir, members in Lagos do get the papers fifteen days before Council sits. The difficulties of communication with Members of outstations render it impossible for Government to get the papers into the hands of certain members not in Lagos any earlier than it does. I think sufficient evidence of the desire of Government to accommodate members in this way and in every way it can is shown by the statement of the Honourable Banking Member (Mr. L. M. Herapath) that he got his papers at Sierra Leone. The Government now makes tremendous efforts—the Secretariat and Printing Office are working at high pressure all through the time Estimates are being prepared, and the Treasury too—in order to produce the Estimates as early as possible, and when the complicated nature of them is realised, I think Honourable Members will agree that these efforts have, at any rate, produced fruitful results. It was suggested that it would be useful to Honourable Members if the Draft Estimates as received from Heads of Departments were given to Honourable Members as they come in. I am afraid that proposal is as impracticable as I am sure it would be fruitless, because to begin with it would mean a tremendous amount of labour preparing the necessary number of copies of the documents, and I am sure that in the majority of cases they would be put into pigeon-holes and would remain there until just before the Council is sitting, as I know that the unofficials are all very busy men.

If any Honourable Member did get down to those documents in order to prepare complete draft estimates, his total would show a very much larger expenditure than is shown by the Draft Estimates produced by the Government, because the latter are prepared by experts who have been at the work for many years; the proposals have to be examined and criticised with full knowledge of Government requirements, and it is not by any means an easy task, or a task to be done without experience. Moreover it is very probable, I think from the evidence we have had to-day from various Honourable Members, that they would not be so ruthless in rejecting possible expenditure as Government has had to be on this occasion, and as it frequently has to be. I cannot help but notice, Sir, that nearly all the specific suggestions that have been made by Honourable Members in the debate have been either for an increase of Government expenditure or for a decrease of Government revenue. I will refer to just a few. The Honourable Commercial Member for Lagos (Mr. R. F. Irving), urges economy, but it says that development must go on; we all agree, that is the whole point, but it all means expenditure. If we build bridges or new hospitals we must have staff for the work; that all means more recurrent expenditure on staff. The Honourable Member for the Egbra Division (Mr. S. H. Pearse), urged the Government to increase the Preventive Service—more staff and more expenditure on staff. He also suggested that the Agricultural Department should do more for education and give more assistance in technical training—again more staff and more expenditure on staff. He also suggested that the Agricultural Department should do more for education and give more assistance in technical training—again more staff and more expenditure on staff. He urged that Government should give up some of its revenue on the Quarry to the Native Administration—again, relinquishment of Government revenue. He suggested that we should reduce the charges for the telephone, again giving up more Government revenue. The Honourable the First Lagos Member (Dr. C. C. A. Ajayi-Jones) urged that we should reduce the fees at King's College—again we should give up more Government revenue. He suggested that we were being too harsh in the collection of income tax in the Colony—again the results would be less Government revenue. The Honourable the Second Lagos Member (Mr. E. O. Moore), suggested a commission to examine the finances of the various departments, and was supported by various other members—again you would not get a commission of experts to come to this country and make an examination for nothing, and it would mean additional expenditure. The Honourable Commercial for Kano (Mr. J. W. Speer) urged that we should reduce some of the fares on the Railway—again reduction in Government revenue. He also sounded a protest against the increase in the petrol tax, but I am sorry he was not able to make some alternative suggestion as to how the Government should raise £50,000 a year.

Those considerations, Sir, all lead me to believe that if the putting of the estimates furnished by Heads of Departments into shape were left to unofficial Members, the results would be nearly so favourable as regards finances as the budget estimates which are produced now by the Government for examination by Honourable Members. (Hear, hear).

Honourable Members complain that they are not able to examine the Draft Estimates sufficiently or to make a sufficient criticism upon them. I think, Sir, the real reason is that Honourable Members are all very busy and hard-worked men and the mere undertaking of the Estimates involves a very considerable expenditure of time and labour, and useful criticism of them, even more. Moreover, I say, however, that if they feel they have not satisfactorily done their duty because perhaps they have failed to pick many holes, there is possibly another explanation, namely, that there are not many holes to be picked. I commend that to the consideration of Honourable Members as a possible alternative.

I hope, Sir, that the pious wishes for economy that have been expressed here to-day will be translated into actual fact when we come to consider details in Select Committee. Perhaps the Honourable Commercial Member for Lagos (Mr. R. F. Irving) will be able to give us some instances of officials whom he states have had not much work to do, and will be in a position to suggest some items of personal emoluments that might be cut out. If he can do so, I hope he will.

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In conclusion, Sir, I hope we shall be able to effect even further economies in Select Committee. (Applause).

His Excellency: Honourable Members, I feel I should like to endorse very heartily what my honourable friend the Acting Chief Secretary to the Government has said, and to say how much I welcome the fact that Unofficial Members of this Council in no uncertain voice have given us a mandate that economy must and shall be practised. I have always had that feeling myself; that economy in Government service is essential, and I have never ceased to urge it in this country, but it is difficult to know where to start. It is not the slightest use if your revenue is increasing every year if your balance sheet shows a deficit every year. There is to my mind no question but that way leads to bankruptcy. The time has come now when we have got to realise that this deficit must be diminished, and gradually diminished, and finally stopped. It would have been possible, though I do not say easy, to have shown no deficit at all for this current year, but that would mean the essential services not being carried on. That is imprudent, unwise and impracticable. What we have said is that for the coming year we shall not show a greater deficit than so many hundred thousand pounds, and how that deficit is arrived at only the Chief Secretary, the Treasurer and myself know. We have satisfied very few heads of departments.

We have also made up our minds if things do not improve that there must be a still smaller deficit either by reduction of expenditure or by increasing our revenue. We confidently hope, and I use that word "confidently" advisedly, if we act prudently that in three or four years time we shall show a clean balanced budget.

There are one or two points to which I should like to refer. Unofficial Members raise the point that they have no time to study the Estimates in detail. That, of course, is in fact true, but I consider Honourable Members of this Council are in a better position to study the Estimates than are their colleagues in the British House of Commons. They never see an Estimate until the day the Chancellor of the Exchequer makes his budget speech. They also are framed by heads of departments, but until the Chancellor of the Exchequer goes into the House of Commons one day in April of each year the Members have not the slightest idea what the position of the country is.

We are not quite so bad as that. The suggestion of the Honourable Banking Member (Mr. L. M. Hopath) that the Finance Committee might be present when the Estimates are being framed sounds very nice, but I do not think he quite realises what the framing of estimates really means. It is not a question of a day, a week, or a month; it is a question of months and I am quite sure there is no Unofficial Member of this Council who could spare the time to come every day and for a considerable time every day for several months while the estimates of the departments are being framed; it is really quite impracticable. We do the best we can.

You will agree that the later we can prepare the Estimates the truer will be the position, and the figures are better if prepared when we are nearing the end of the year. There comes a day, however, beyond which we cannot postpone sending the proofs to the printer. We kept it as late as possible this last time, that is to say until the end of November, but as soon as the printer had got copies ready we passed them round to all the Members of Council so that they might see them. We got them out at the earliest possible moment in view of the fact that we have the meeting of Council early in February in order that the Estimates may go home to the Secretary of State to receive his sanction so that we may start work at the beginning of the financial year. If Members of Council could see any other way I should be only too glad to welcome any suggestions on that account.

I started a small sub-committee of members in Lagos, which I think has been very useful. If any Member resident in Lagos at any time wants to know anything about the financial position, my honourable friend the Treasurer will be only too pleased to explain to him, as will the Chief Secretary to the Government also.

As I say, I am glad to have this mandate for economy, but we must realise that economy begins at home. If there is no economy shown in the departments, there is no economy shown

in the Government Estimates. Quite rightly every head of department will agree that economy is of the first importance, but of course it does not apply to his own particular department; he cannot possibly economise any more! Each head of department considers his own department the most important. The General Manager of the Railway has not the slightest doubt about that, nor has the Director of Marine, who would say there are only two Departments—the Marine, and possibly the Railway. (Laughter). That is all very well; it shows they are extremely keen on their own departments but it is impossible to give them all they ask for. What Honourable Members see in the Estimates now is the expenditure left in; what you do not see is the expenditure that has been left out, which as far as Public Works Extraordinary is concerned is not much less than that left in. (Laughter). Therefore, if we were to economise you will realise we are not going to suit heads of departments whose estimates for the coming year were so great that had we given effect to them you would have had a deficit not of £800,000, but more likely double that sum. (Applause.)

I will now put the motion that the Supply Bill be read a second time. Will those in favour say "Aye", those against "No".

The "Ayes" have it.

Bill read a second time.

The Hon. the Acting Chief Secretary to the Government: I beg to move that the Bill be referred to a Select Committee consisting of His Honour the Lieutenant-Governor, Northern Provinces, the Acting Lieutenant-Governor, Southern Provinces, the Honourable Treasurer, all Honourable Unofficial Members and myself as Chairman.

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

Bill referred to Select Committee accordingly.

His Excellency: There is now a motion by the Commercial Member for Lagos.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I wonder if Your Excellency will allow me to leave this matter over until to-morrow morning? I think it is quite possible that in view of the date up to date, that I may withdraw my motion.

His Excellency: Very well, if you wish it.

Council adjourned at 4.35 p.m.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON

Saturday, 2nd February, 1929.

Pursuant to notice the Honourable the Members of
the Legislative Council met in the Council Chamber,
at 10 A.M. on Saturday, the 2nd February, 1929.

PRESENT :—

- The Officer Administering the Government,
His Excellency Sir Frank Baddeley, Kt., C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable Mr. D. Kingdon, K.C.
- The Lieutenant-Governor, Northern Provinces,
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Acting Lieutenant-Governor, Southern Provinces,
His Honour Captain W. Buchanan Smith, M.C.
- The Acting Attorney-General,
The Honourable Mr. J. C. Howard.
- The Commandant,
The Honourable Col. W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Services,
The Honourable Dr. G. J. Pirie.
- The Treasurer,
The Honourable Mr. C. W. Leese.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Acting Secretary for Native Affairs,
The Honourable Mr. W. Morgan.
- The Senior Resident, Niger Province,
The Honourable Mr. J. C. C. P. Sciortino.
- The Senior Resident, Plateau Province,
The Honourable Capt. P. Lonsdale.
- The Senior Resident, Zaria Province,
The Honourable Mr. E. H. Laing.
- The Resident Calabar Province,
The Honourable Mr. E. M. Falk.
- The Resident, Abeokuta Province,
The Honourable Mr. F. B. Adams.
- The Acting Deputy Chief Secretary,
The Honourable Mr. W. E. Hunt.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. H. B. Butler.
- The Acting Administrator,
The Honourable Mr. H. Findlay.

- The General Manager of the Railway.
The Honourable Mr. E. M. Bland, C.M.G.
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.
- The Director of Agriculture,
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.
The Commissioner of Lands.
- The Honourable Mr. G. B. Hebden,
Acting Postmaster-General.
- The First Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Member for the Ibo Division,
The Honourable Mr. I. O. Mba.
- The Second Lagos Member,
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,
The Honourable Mr. S. H. Pease.
- The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Commercial Member for Kano,
The Honourable Mr. J. W. Speer.
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,
The Honourable Mr. T. A. Doherty.
- The Bartering Member,
The Honourable Mr. L. M. Herpath.
- The Member for Shipping, (Provisional)
The Honourable Mr. F. Baughman Jones.

ABSENT.

- The Senior Resident, Adamawa Province,
The Honourable Mr. G. S. Browne.
- The Senior Resident, Kano Province,
The Honourable Mr. C. W. Alexander, C.M.G.
- The Resident, Bauchi Province,
The Honourable Mr. C. A. Woodhouse.
- The Acting Secretary, Northern Provinces,
The Honourable Mr. H. H. Middleton.
- The Resident, Adamawa Province,
The Honourable Major G. A. G. Budgen, M.C.
- The Mining Member,
The Honourable Mr. A. L. Butler.
- The Commercial Member for Port Harcourt, (Provisional)
The Honourable Mr. P. H. Davey.

MINUTES.

The Hon. the Acting Chief Secretary to the Government: Before passing the Minutes, Sir, there is one error which should be amended. On page 5 under the Head Bills The 1929-1930 Supply Ordinance, 1929—for the words “On the motion of His Excellency the Officer Administering the Government” substitute the words “On the motion of the Acting Chief Secretary to the Government.”

The amendment was agreed to.

PETITIONS.

Nil.

NOTICE OF QUESTION.

Nil.

QUESTIONS.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (MR. R. F. IRVING):—

1. What is the total amount of revenue and expenditure of each Native Administration for the last financial year and what are the corresponding amounts in their respective Estimates for the year 1929-30?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

In view of the time of this Council that would be taken up by recounting the numerous totals involved, a written reply has been handed to Honourable Members of Council.

The amounts of revenue and expenditure asked for by the Honourable Member are as follows. It is of course, not possible to give figures for the newly-taxed Provinces as Native Administrations in these Provinces were not in existence in 1927-28.

REVENUE AND EXPENDITURE, 1927-28.

	Revenue.	Expenditure.	Special Expenditure.
	£	£	£
ABEOKUTA PROVINCE:			
Egba Treasury ...	44,253	38,233	—
Ilaro Treasury ...	13,178	12,858	—
Total ...	£57,431	£51,091	—
BENIN PROVINCE:			
	£		£
Benin Treasury ...	18,248	15,332	1,255
Ishan Treasury ...	8,392	9,034	—
Kukuruku Treasury ...	6,891	7,038	—
Asaba Treasury ...	14,001	10,885	—
Total ...	£47,532	£42,289	£1,255
IJEBU PROVINCE:			
	£		£
Ijebu Treasury ...	21,399	18,339	13,677
ONDO PROVINCE:			
	£		£
Ondo Treasury ...	4,438	4,133	780
Waterside Treasury ...	8,389	6,138	300
Owo Treasury ...	8,455	7,233	774
Ekiti Treasury ...	17,982	14,367	2,626
Total ...	£39,264	£31,871	£4,480
OYO PROVINCE:			
	£		£
Oyo Treasury ...	24,314	20,033	7,303
Ibadan Treasury ...	66,311	52,230	9,544
Ife Treasury ...	5,865	4,206	—
Hesha Treasury ...	7,700	5,330	175
Illa Treasury ...	1,502	1,238	—
Total ...	£105,689	£84,837	£17,022

CAMEROONS PROVINCE:

	£	£	£
Bamenda Treasury ...	6,342	5,285	532
Kumba Treasury ...	6,233	6,651	—
Mamfe Treasury ...	5,134	3,937	461
Victoria Treasury ...	5,326	6,140	—
Total ...	£23,035	£22,013	£993

ESTIMATED REVENUE AND EXPENDITURE, 1929-30.

	Revenue.	Expenditure.
	£	£
ABEOKUTA PROVINCE:		
Egba Treasury ...	50,635	49,854
Ilafo Treasury ...	13,660	12,956
BENIN PROVINCE:		
Benin Treasury ...	19,342	19,331
Ishan Treasury ...	11,132	11,116
Kukuruku Treasury ...	8,025	7,921
Asaba Treasury ...	13,870	13,424
IJEBU PROVINCE:		
Ijebu Treasury ...	35,580	30,091
ONDO PROVINCE:		
Ondo Treasury ...	5,030	4,812
Waterside (Ondo) ...	8,950	8,903
Owo Treasury ...	10,300	9,775
Ekiti Treasury ...	16,647	15,206
OYO PROVINCE:		
Oyo Treasury ...	30,774	27,485
Ibadan Treasury ...	70,530	69,580
Ife Treasury ...	7,159	5,531
Hesha Treasury ...	10,890	10,572
Ila Treasury ...	1,681	1,808
CAMEROONS PROVINCE:		
Bamenda Treasury ...	7,881	6,199
Kumba Treasury ...	6,857	6,090
Mamfe Treasury ...	5,612	4,546
Victoria Treasury ...	6,086	5,672
CALABAR PROVINCE:		
Calabar Treasury ...	4,375	4,169
Eket Treasury ...	11,152	8,150
Opobo Treasury ...	12,108	11,715
Ikot-Ekpene Treasury ...	12,120	8,693
Abak Treasury ...	10,660	8,836
Itu Treasury ...	3,970	3,478
Aro Treasury ...	3,500	3,367
Uyo Treasury ...	9,546	8,094
OGOJA PROVINCE:		
Ogoja Treasury ...	5,122	4,587
Obudu Treasury ...	2,037	1,902
Abakaliki Treasury ...	7,855	6,808
Afikpo Treasury ...	9,100	7,773
Obubra Treasury ...	4,885	4,380
Ikom Treasury ...	2,410	2,294
ONITSHA PROVINCE:		
Onitsha Treasury ...	13,360	12,845
Enugu Treasury ...	9,429	8,054
Awka Treasury ...	10,610	10,608
Awgu Treasury ...	5,397	4,969
Nsukka Treasury ...	10,455	9,537
OWERRI PROVINCE:		
Owerri Treasury ...	21,418	17,092
Okigwi Treasury ...	20,900	16,641
Degema Treasury ...	3,340	3,009
Aba Treasury ...	13,550	14,792
Bende Treasury ...	11,375	10,657
Ahoada Treasury ...	20,342	17,757
Brass Treasury ...	3,904	3,337

WARRI PROVINCE:	£	£
Warri Treasury	9,210	3,366
Sapele Treasury	5,605	3,093
Forcados Treasury	2,965	2,831
Ase Treasury	6,743	3,567
Kwale Treasury	10,120	3,100

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

2. To ask the Honourable the Director of the Medical and Sanitary Service when the proposed extension and improvement of the African Hospital at Onitsha is to become an accomplished fact?

THE HON. THE ACTING DIRECTOR OF THE MEDICAL AND SANITARY SERVICE:—

The proposed extension will be carried out as soon as the financial state of the country permits.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

3. To ask His Honour the Lieutenant-Governor Southern Provinces whether Government is aware of the great difficulty that exists in obtaining water in areas occupied by Africans in Port Harcourt and whether steps will be taken to alleviate this difficulty?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The Government is aware of the difficulty referred to. If the Honourable Member will turn to paragraph 354 of the Memorandum on the draft Estimates for 1929-30, he will see under the Head (b) works now recommended for construction from £500,000 loan allocation, that Port Harcourt is one of the eight places with which it is proposed to deal.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

4. To ask the Honourable the Acting Secretary Southern Provinces what provisions are being made for imparting knowledge in arts and crafts to pupils in Government schools in view of the proposed retrenchment of present instructors?

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

Handicraft Instructors have been appointed to the Training Colleges at Ebadan and Umuahia. It is expected that competent African Instructors will be available from these Colleges in four years' time. The attention of the Honourable Member is drawn to paragraph 97 on page 12 of the Memorandum on the draft Estimates.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

5. To ask the Honourable the Acting Postmaster-General if Government will now favourably consider the need for installation of telephone exchange in Onitsha and how soon we may expect that work to be undertaken?

THE HON. THE ACTING POSTMASTER-GENERAL:—

The installation of a Telephone Exchange at Onitsha at a cost of £1,500 was very carefully considered in connection with both the 1928-29 and 1929-30 Estimates; but it was postponed in view of a very heavy programme of more urgent telegraph and telephone works. It will be given sympathetic consideration when the 1930-31 Estimates are being prepared.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

6. To ask the Honourable the Director of Public Works why the system of tar-metalling roads has not been thought fit for adoption in the Eastern Area of Southern Provinces?

THE HON. THE ACTING DIRECTOR OF PUBLIC WORKS:—

Tar metalling and other improved methods of road construction and maintenance are being experimented with in the Eastern Area

of the Southern Provinces. Wider application will depend upon traffic to be provided for, funds available, and the relative urgency of requirements throughout the country.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

7. To ask His Honour the Acting Lieutenant-Governor, Southern Provinces whether the rumour is true that a commission has been sent out to the Provinces in connection with Niger Land, and what instructions have been issued for the officer to take the views of the representatives of the people claiming interests on such lands according to an undertaking given by His Excellency the Governor during his last visit to Onitsha?

THE HON. THE COMMISSIONER OF LANDS:—

No undertaking that a Commissioner would be appointed in connection with Niger Lands was given, but a Land Officer is in the Warri Province investigating the position and area of the lands mentioned in the Niger Company agreements set out in the first schedule of Cap. 86 of the Laws of Nigeria. Instructions have been given to the officer to consider the claims of all persons in occupation or having any interest in these lands and any accredited representatives who come forward will be heard. The Land Officer has been instructed to ascertain the exact boundaries of these lands and to make a report to the Resident for the information of Government.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

8. To ask the Director of Agriculture how many palm oil presses have up to the present been supplied to the native farmers for purposes of demonstration, and how many are on order?

THE HON. THE DIRECTOR OF AGRICULTURE:—

The exact figures were not readily ascertainable but the following may be taken as approximately correct:—

Presses in regular use on our farms	...	...	8
Presses bought by native farmers	...	...	2
Presses already on loan to farmers	...	...	2
Presses received last week for loaning to farmers	...	...	10
Presses on order	...	...	Nil.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

9. What is the cost per ton of cotton seed of the Ishan improved standard and to ask whether free distribution will not further the efforts of the Agricultural Department?

THE HON. THE DIRECTOR OF AGRICULTURE:—

The seed is obtained from the British Cotton Growing Association for nothing. Bags, bagging, handling, railway freight, wastage and other distribution charges amount to nearly as much as we charge for the seed, i.e., halfpenny per lb. The charge, however, is not made in order to obtain revenue, but in the belief that a large acreage would be sown if the seed were sold than if it were given away. Selling the seed makes it clear that the farmer is not being pressed to take the seed and discourages waste. It is believed that many more acres have been sown with some sixteen tons of Ishan seed that were sold this year, than was sown with 800 tons of American seed that were distributed free in 1921. Though 20 and even 30 lb. per acre are often used when seed costs nothing, an acre can be planted satisfactorily with two or three pounds of seed; so at halfpenny per lb. the cost of seed is not a serious item to the poorest man.

THE HON. THE MEMBER FOR THE EGBA DIVISION (MR. S. H. PEARSE):—

10. Whether Government will not consider the desirability of extending the Kajola-Asha road seven miles further to join the Ibadan-Ife main road thus completing what will become one of the most useful routes in the country?

HIS HONOUR THE ACTING LIEUTENANT-GOVERNOR, SOUTHERN PROVINCES:—

The matter will be put before the Communications Board as soon as investigations as to the feasibility of the suggestion have been made.

RESOLUTIONS.

The Hon. the Acting Chief Secretary to the Government: Before the Honourable Member moves his resolution might I make an announcement in connexion with a point mentioned yesterday by the Honourable Commercial Member for Calabar? I refer to what may be termed the Public Works carry over. I am now pleased to be able to say that a cablegram has been received from the Secretary of State approving the provisions which are set out on pages 378-380 of the Memorandum on the Draft Estimates.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I beg, Sir, to move the resolution which stands in my name and which reads as follows:—

“ Be it resolved: That, this Council views with concern
“ the heavy expenditure to which the Government of Nigeria
“ is committed and considers that more economy is called for.”

I would like to say first of all that it is particularly with reference to recurrent expenditure that I, and those who think with me, wish to draw attention. I am quite aware that the temptations are of course great in moving this resolution that under guise of so doing I might attempt to reply to the debate of yesterday, but I know I shall be sharply called to order if I do anything of the sort. Perhaps, however, I might be allowed to make one explanation which is in the nature of a personal explanation, and that is, His Honour the Lieutenant-Governor, Southern Provinces, thought when I referred to an overdraft, or what I conceived to be an overdraft, I was referring primarily to his department, and he had, I agree, very good grounds for drawing that inference but it is a wrong inference. Perhaps he thought that because questions stood in my name as to the numbers in the Administrative Service, that I must be particularly referring to that Department. That is not so because as a matter of fact those questions that were asked in my name were not my own questions at all; they were questions I had been asked to put up.

I had hoped to be able to withdraw this resolution this morning, but on thinking it over, and after consulting one or two of my colleagues, I think it is necessary to go on with it, but I shall be as brief as possible, and I hope at an early stage to be able to withdraw it.

It is a fact, whether rightly or wrongly, that we have not got all the information the Government have. Rightly or wrongly we do feel very strongly that this recurrent expenditure is far too heavy. If Your Excellency will look at it in this way the total recurrent expenditure is £5,700,000 odd, and the total revenue of the Colony according to the Estimates of the current year is £6,200,000, so that there is really only about half a million difference between the recurrent expenditure and the whole incoming revenue of the Government, and it is not as if that recurrent expenditure is going to remain stationary, even without any addition to the staff. It is obvious that every year it must grow: it must grow in consequence of pensions particularly, and it must also grow in consequence of the increments in salaries, and in this connexion I should like to read a passage from the Secretary of State's despatch, Sessional Paper 16 of 1928 where he says:—

“ I have been especially struck by the statement furnished
“ showing the growth of personal emoluments and other
“ charges, in recent years. I note that expenditure on
“ personal emoluments, which in 1921-22 stood at £1,772,000,
“ is estimated at £2,232,000 in 1928-29. The increase is due
“ to various causes, some of it being automatic owing to
“ increments of salary, but it is also due to the increase in
“ staff which have recently been sanctioned, and it may be
“ remembered that automatic increases in salary will for
“ many years to come, operate to increase expenditure under
“ this head even though no additions to staff are made.”

And then he refers to the possibility of retrenchment under this head, and that is what I am here to press upon the Government, if I may respectfully do so, to consider most carefully whether something cannot be done to cut down the recurrent expenditure. I wish to make it perfectly clear that there is nothing underlying this in the shape of unofficials versus officials or anything like that. We think as a matter of fact that in many cases the salaries

are too low, pay long service and any desire to cut we do think—we are able amount of ask the Government is anything in

Some figures were most illuminating in the past two years, compared with the end of 1925-26, 31st December, gone up to 3,011. On the contrary, the number—not to figures and compare them with the figures on the Gold Coast, and in 1927-28, 1,202 and put that against the number of unofficials which is at once struck off officials and an increase in the number of officials is on figures which are up to nearly double in the country, we are led to think that it is possible cannot be satisfied expenditure is of the country.

Of course these remarks are mainly directed at the Public Works Department. The officials of the Department is very great which we do think they are having—and I mean the giving

I do not wish to press for the various departments not many years ago and knows what we should go to the departments. I think consider the report to be to a great extent

I beg, Sir, to

The Hon. the Member for Calabar (Mr. G. Graham Paul): Your Excellency, I think I might say that the matter of fact would be to put in the witness box and let them speak to it! Your Excellency's remarks yesterday, Your Excellency's Address and the Memorandum prepared by the Honourable Chief Secretary are all witnesses speaking very strongly in favour of this motion. I think the matter is summed

particularly the salaries of people who have had heavy responsibilities. It is not a case of own salaries of responsible officers at all, but they may be wrong of course—that there is a considerable over-staffing which might be cut down, and we have to consider that very carefully to see if there is anything in the view at all.

given yesterday, and it seems to me they are I refer to the figures showing, in only the very big growth in officials in Nigeria as against almost stationary number of unofficials. At the average number of officials was 1,691; at the end of 1927, two years later, we find the number had an enormous rise for that short space of time. On the contrary, the unofficials have actually diminished in number to a very great extent—but there is an actual decrease. If you take those figures and compare them with the figures on the Gold Coast, which show in 1925-26 an average of 944 officials, and in 1927-28, 1,202 and put that against the number of unofficials which in 1925-26 was 2,100 and in 1927-28, 3,375, one is struck by the comparatively small increase in the officials and an almost similar increase in the unofficials. It is noticeable that, when we see the officials are mounting up to nearly double in the country, those who have capital are reaping a very small return on it, that we are led to think that there is considerable over-staffing, and that it is possible to cut down the recurrent expenditure. We are at a state of affairs when our recurrent expenditure is nearly the same size as the total revenue of the country.

These remarks are mainly directed at the Public Works Department. It is not an attack on the Department or on the officials of the Department, but we do think there is a consequent increase in recurrent charges and must militate against what we are desiring of a assured this is the policy of Government—out of public works to private contract.

I do not wish to suggest, though many people have asked me to suggest a commission of enquiry into the work of the various departments. There was a commission on the Gold Coast last year—the Treasurer, I think, knows all about it, and he knows what the recommendations were—but I do not suggest the expense of an enquiry into our own departments. However, the Government might be asked to consider the report to be to a great extent

I beg, Sir, to

The Hon. the Member for Calabar (Mr. G. Graham Paul): Your Excellency, I do not propose to say very much so I dispense with going into the witness box. As a matter of fact, I would rather do in support of this motion some other people and things into the witness box and let them speak to it! Your Excellency's remarks yesterday, Your Excellency's Address and the Memorandum prepared by the Honourable Chief Secretary are all witnesses speaking very strongly in favour of this motion. I think the matter is summed up in the Memorandum at the foot of page 3:—

“Estimated recurrent expenditure, that is to say excluding special and extraordinary provision, in 1928-1929 for £5,191,078 out of an estimated revenue of £5,775,000, while in 1929-1930 the estimate is £5,743,814 and £5,817 respectively.”

Then, and this is the point:—

“As a result the margin for development works, other than the charged to loan funds, is disproportionately small.”

When we get a statement of that kind, Sir, I think that the attitude towards the expenditure of the country represented by the resolution before the House is absolutely essential, and it seems to me that as everybody concerned is actuated by the same desire

When we get a statement of that kind, Sir, I think that the attitude towards the expenditure of the country represented by the resolution before the House is absolutely essential, and it seems to me that as everybody concerned is actuated by the same desire

for economy, that the function of Unofficial Members is not going to be that of crippling the restive steed, but of gently leading a very docile animal along the paths of economy, and it seems to me to be unnecessary to move this resolution, unnecessary to second it and impossible to oppose it. I leave it at that.

The Hon. the Acting Chief Secretary to the Government: On behalf of the Government, Sir, I wish to welcome this resolution and to support it most heartily. (Hear hear). I don't wish to say more than that in reference to it. It would be merely flogging a dead horse—perhaps that expression is a wrong one because we hope that the horse which is going to carry the economy campaign is a very live one—but on behalf of the Government I wish to say that we are entirely united with Unofficial Members in recognising and urging the need for more and more economy, and if the Honourable Commercial Member for Calabar (Mr. G. Graham Paul) can show us the way, I can assure him that I will prove the most docile animal in the world in following it.

His Excellency: Do you wish a division to be taken, or do you care to withdraw your motion in view of what the Chief Secretary to the Government has said?

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I understand, Your Excellency, that the motion has been carried unanimously. (Laughter).

His Excellency: Well, will those in favour say "Aye"?

The resolution was carried unanimously.

BILLS.

The Hon. the Acting Attorney-General: Sir, I beg leave to move that a Bill entitled "An Ordinance to provide a Labour Code for Nigeria, 1929" be read a second time. Honourable Members on looking at the Bill and particularly at the title, probably anticipate that regarded from the angle of the employed, it contains a charter of liberty freeing the workmen of Nigeria from commercial bondage; or again, looking at it from the point of view of the employer, that it is a piece of grandmotherly legislation fostered by a bureaucratic Government, which would interfere with the relations of employers and employed, and that the only effect would be that it would drive away from Nigeria capital so much needed for its development. On looking into it further, Honourable Members will see that neither of these anticipations are realised because it contains nothing of the sort. The conditions of labour in Nigeria do not require drastic legislation of the type that I have indicated, and the Government are convinced that labour in Nigeria is not exploited in the selfish interests of capital. What then does the Bill do? In the main it consolidates and incorporates in one Ordinance, three other Ordinances which are on the Statute Book to-day. I refer to the Master and Servant Ordinance, Chapter 70, the Native Labour (Foreign Service) Ordinance, Chapter 71 and the Employment of Women and Children Ordinance, Chapter 72, all three of which are on the Statute Book. In the process of re-enactment it makes slight amendments to those Ordinances, and also the opportunity has been taken to incorporate in this Bill useful provisions so that, in the course of the industrial development of Nigeria, Government may be enabled to ensure that employers of labour take proper measures in the interests of those they employ.

Coming down to the Bill itself, the first part deals with definitions. The second part, which is under the head "Formation and Interpretation of Contracts", merely incorporates certain sections of the Master and Servant Ordinance; the only real amendment that is made in this part of the Ordinance is to permit of the part payment of wages by means of food rations. This was not permitted under the provisions of the Master and Servant Ordinance.

Part III deals with the regulation and control of the recruiting of native labour for foreign service; it incorporates the provisions of Cap. 71, The Native Labour (Foreign Service) Ordinance, and

the only amendment that is made to the provisions of that Ordinance is that non-natives as regards recruitment for service abroad are brought within the scope of these provisions. When I say "non-natives" I refer to persons who are not natives of Nigeria. The reason for this is that it was considered these provisions which are protective as regards the recruitment of labourers for service abroad should protect non-natives in the same way that natives of Nigeria are protected.

With regard to Part IV—this incorporates the provisions of Cap. 72 of the Laws of Nigeria—the Employment of Women and Children Ordinance. The only amendment that is made in the process of re-enactment is to introduce two new sections, 40 and 41, which provide that no children under the age of sixteen years shall be employed on work underground or on machine work, and I think Honourable Members will agree these are proper provisions for the protection of children.

The only amendment which is made with regard to Part V, which deals with apprenticeship contracts, and which incorporates again sections of the Master and Servant Ordinance, is in section 49 which provides a penalty for those persons who decoy or induce apprentices to leave the master to whom they are apprenticed.

Part VI regarding breaches of contract and disputes between employers and employed, is practically taken word for word from the provisions in the old Master and Servant Ordinance.

I now come to Part VII, which contains, in conjunction with the definitions, the main new proposals which are contained in this Ordinance. Section 62 gives power to the Governor in Council to make regulations, and Honourable Members will notice, if they have compared section 62 (7) with the corresponding provision in the Master and Servant Ordinance, that the sub-section has been widened in its scope. They will also notice section 62 (9) which gives the Governor power to make regulations for the "planning and layout of towns and villages in labour health areas and the construction of streets, lanes, buildings, markets, open spaces, drains, latrines, incinerators, wells and tanks in such areas." That gives power to the Governor in areas which are declared to be labour health areas to make these provisions, and that is really the main point in this enactment. At present conditions may not exist which require the declaration of labour health areas, but Government should have the power to ensure that employers take proper measures for the well-being as regards sanitation and generally speaking from the medical point of view of the persons whom they employ. This power can be exercised by means of regulations.

Section 62 (7) provides for the appointment of labour inspectors and other officers for carrying out the provisions of the Ordinance. This is new as we have never had labour inspectors under the provisions of any of the Ordinances to which I have referred.

Those, Honourable Members, are the only points that arise in connexion with this Ordinance, and I feel certain that no member of this Council need have any apprehension that it is going to have any bad effect either on the labour market, or on the introduction of new capital, or the frightening away of the capital which is at present invested in Nigeria.

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

The Hon. the Acting Deputy Chief Secretary: I beg, Sir, to second the motion.

The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones): May I ask, Sir, who is the proper authority to determine what may be considered as contracts of service made under native law or custom as laid down in sub-section (1) of section 62?

The Hon. the Acting Attorney-General: The Governor in Council would decide acting on advice as to what was native law and custom.

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

Bill read a second time.

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

Council in Committee.

Clause 1.

The Hon. the Acting Chief Secretary to the Government: I beg leave to move that clause 1 be amended by the deletion of the words "and shall come into force upon the . . . 192." That is to say the Bill shall come into force on publication in the Gazette.

The clause as amended was adopted.

Clause 1.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): I should like to move in place of the word "person" that the words "police magistrate" be substituted. Under the Master and Servant Ordinance I believe that is so.

The Hon. the Acting Attorney-General: As I understand it, the Honourable Member for the Colony Division (Sir Kitoyi Ajasa) wants all these attestations made before a police magistrate. I do not think there is any necessity for that. A necessity for the provision has not arisen under previous Ordinances, and it seems to have worked quite well. In some cases it might be very difficult to find a police magistrate before whom an attestation could be made.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): I suggest it as a safeguard to the interests of the natives. In other parts of the Bill, magistrates are distinctly referred to.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I point out that the biggest plantations to which this matter chiefly applies, are in the Cameroons where there is no such person as a police magistrate?

The Hon. the Acting Chief Secretary to the Government: At the last meeting of this Council we passed a Bill specially to cut out the necessity for coming before a police magistrate, because it was found impossible to comply with the regulation. The suggestion made by the Honourable Member for the Colony Division is a reversal of that contained in the Bill passed at the last Council Session.

The amendment was withdrawn.

Clause 6.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): I do not wish to waste the time of Council, Sir, but this clause reads that the copies "shall be deposited with the magistrate" by whom the contract of service was attested.

The Hon. the Acting Attorney-General: But other words follow that phrase: "or with such other officer as the Governor may direct."

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): It does not seem so to me, Sir. Clause 6 refers to attestation before a police magistrate; the other words refer to the deposit of the contract of service.

The Hon. the Acting Attorney-General: As a matter of fact in a large number of cases attestation will be made before a police magistrate, but on the other hand, the section does provide for the deposit of contracts of service or copies with another officer, when the attestation is not made before a police magistrate.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I ask, Sir, if it is not a fact that under the Interpretation Ordinance the term "Magistrate" includes any Administrative Officer?

The Hon. the Acting Attorney-General: I think the Honourable Member is thinking of the definition of "Station Magistrate" in the Interpretation Ordinance.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Yes, it is so, the term includes Commissioners.

His Excellency: Does the Honourable Member press for a division?

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): No, Sir, I understand that the section to which I drew attention has been passed already.

Clause 12.

The Hon. the Acting Director of Public Works: Your Excellency, would it not be as well to establish a time limit within which wages should be paid instead of leaving it as in section 12 (c) "shall, without just or reasonable cause, withhold wages as they fall due". In one of the Labour Ordinances from which this Ordinance has been prepared, periods are provided.

The Hon. the Acting Attorney-General: I would ask the Honourable the Acting Deputy Chief Secretary to answer that question. He was concerned in the drafting of the Bill.

The Hon. the Acting Chief Secretary to the Government: I think I can answer that point. The provision which the Honourable Member wishes will be contained in the Regulations when passed.

Clause 20.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): Your Excellency, the words in the Form of Certificate "in my presence" would be better if they were placed after the word "explained", instead of where they are.

The Hon. the Acting Attorney-General: I have no objection to the transposition of those words if the Honourable the Commercial Member for Calabar would prefer that they should be placed where he suggests.

The clause as amended was adopted.

Clause 51.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): May I ask, Sir, if it is really necessary to embody this law of breach of contract in this Ordinance? Is there any special reason why it cannot be left for the Court to administer what is necessary?

The Hon. the Acting Attorney-General: With regard to that, Sir, this is only a re-enactment of previous Ordinances as Honourable Members know. I do not know whether these clauses have had any ill effect in the past upon the relations of employers and employed.

The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul): I am not asking Government to delete them, I only wish to know why the law of breach of contract should be embodied in this Ordinance.

The Hon. the Acting Attorney-General: This is a special contract made presumably between a person of education and one who is illiterate, and therefore special provision with regard to its interpretation and so on is provided by this Ordinance.

The Hon. the Acting Chief Secretary to the Government: If I may supplement that, Sir, I think the special reason is that it leads up to the next clause which is also a re-enactment. It provides very special provisions as regards dealing with parties who are about to abscond. Clause 51, therefore, leads up to that next clause.

Clause 62.

The Hon. the Acting Attorney-General: Sir, I beg to move an amendment to Clause 62, to insert the following paragraph as paragraph (18):—

“(18) Providing for the payment of compensation by employers to workmen for injury arising out of and in the course of their employment.”

With regard to this amendment, the Regulations under the Master and Servant Ordinance provide for compensation, but as far as I can see there is no authority under the Ordinance for the making of such a regulation.

It is proposed to make a similar regulation under this Ordinance and I think Honourable Members will agree that the law should be made absolutely clear, so that such a regulation is *intra vires*.

His Excellency: The proposed amendment is that a new sub-clause (18) be inserted as follows:—

“(18) Providing for the payment of compensation by employers to workmen for injury arising out of and in the course of their employment.”

If that is agreed to, the existing sub-sections (18), (19), and (20), to be renumbered (19), (20) and (21).

The amendment was adopted.

The Hon. the Acting Attorney-General: I beg leave to move, Sir, that Council do now resume.

Council resumed.

The Hon. the Acting Attorney-General: I beg leave to move, Sir, that a Bill entitled “An Ordinance to provide a Labour Code for Nigeria” be read a third time and passed.

The Hon. the Acting Deputy Chief Secretary: I beg, Sir, to second the motion.

Bill read a third time and passed.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE,
1929.

The Hon. the Acting Attorney-General: Sir, I beg leave to move that a Bill entitled “An Ordinance to amend the Shipping and Navigation Ordinance” be read a second time. This Ordinance makes a slight amendment to the Shipping and Navigation Ordinance which is considered desirable by the Director of Marine.

As the law stands at present, section 39 lays down that vessels being used only in the navigation of inland waters shall have on board for service one Quartermaster and one Engine Driver. The amendment frees from those conditions certain small launches provided they have one person on board combining both those functions. I beg, formally, to move that the Bill be read a second time.

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

Bill read a second time.

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

Council in Committee.

The Bill having passed through Committee without amendment,

The Hon. the Acting Attorney-General: I beg leave to move that Council do now resume.

Council resumed.

The Hon. the Acting Attorney-General: Sir, I beg leave to move that a Bill entitled "An Ordinance to amend the Shipping and Navigation Ordinance" be read a third time and passed.

The Hon. the Director of Marine: I beg to second the motion.
Bill read a third time and passed.

THE LIQUOR (AMENDMENT) ORDINANCE, 1929.

The Hon. the Acting Attorney-General: Sir, I beg leave to move that a Bill entitled "An Ordinance to amend the Liquor Ordinance" be read a second time. The object of this Ordinance is to enable civilian messes to be licensed on the same footing as regards the exemption from licence duties as military messes, and also to enable His Majesty's ships of war, on coming into Nigerian ports to open canteens on shore, so that the personnel of those ships can buy liquor without having to pay the licence duties which are incumbent by the provisions of this Ordinance. I beg to move that this Ordinance be read a second time.

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

Bill read a second time.

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

Council in Committee.

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

THE LEGITIMACY ORDINANCE, 1929.

The Hon. the Acting Attorney-General: I beg leave to move that a Bill entitled "An Ordinance to amend the law relating to Children born out of Wedlock" be read a second time. Before speaking on the second reading of this Bill, Sir, I think the Honourable Commercial Member for Lagos (Mr. R. F. Irving) wishes to raise some point in connection with it.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving): I respectfully ask, Sir, that this Bill be held over until next Session, not that we have anything against it, but I understand that it is not an urgent measure and some of us think that references to Native Law and Custom require much more careful consideration than we have been able to give yet.

His Excellency: We have no objection to that. It can be held over until a later meeting of Council.

Council will now adjourn until a date and time to be notified. The Chief Secretary will be glad if Members will proceed with the duties of Select Committee of the Council on Supply.

The Council adjourned at 11 a.m.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Thursday, 7th February, 1929.

Pursuant to Notice the Honourable the Members of
the Legislative Council met at the Council Chamber,
at 10 A.M. on Thursday the 7th February, 1929.

PRESENT.

- The Officer Administering the Government,
His Excellency Sir Frank Biddleley, Kt., C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable Mr. D. Kingdon, K.C.
- The Lieutenant-Governor, Northern Provinces,
His Honour Mr. H. R. Palmer, C.M.G., C.B.E.
- The Acting Lieutenant-Governor, Southern Provinces,
His Honour Captain W. Buchanan Smith, M.C.
- The Acting Attorney-General,
The Honourable Mr. J. C. Howard.
- The Commandant,
The Honourable Colonel W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. G. J. Pirie.
- The Treasurer,
The Honourable Mr. C. W. Leese.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. F. A. Clinch.
- The Acting Secretary for Native Affairs,
The Honourable Mr. W. Morgan.
- The Senior Resident, Niger Province,
The Honourable Mr. J. C. P. Sciortino.
- The Resident, Calabar Province,
The Honourable Mr. E. M. Falk.
- The Resident, Abeokuta Province,
The Honourable Mr. F. B. Adams.
- The Acting Deputy Chief Secretary,
The Honourable Mr. W. E. Hunt.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. H. B. Butler.
- The Acting Administrator,
The Honourable Mr. G. H. Findlay.
- The General Manager of the Railway,
The Honourable Mr. M. M. Bland, C.M.G.,
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.

- The Director of Agriculture,
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.,
Commissioner of Lands.
- The Honourable Mr. G. B. Hebdien,
Acting Postmaster-General.
- The First Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,
The Honourable Sir Kitoŷi Ajasa, Kt., O.B.E.
- The Member for the Ibo Division,
The Honourable Mr. I. O. Mba.
- The Second Lagos Member,
The Honourable Mr. E. O. Moore.
- The Member representing the Niger African Traders,
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.
- The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.
- The Commercial Member for Kano,
The Honourable Mr. J. W. Speer,
- The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving,
- The Member for the Warri-Benin Division,
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,
The Honourable Mr. T. A. Doherty.
- The Banking Member,
The Honourable Mr. L. M. Herapath.
- The Member for Shipping, (Provisional)
The Honourable Mr. F. Bateman Jones,

ABSENT.

- The Senior Resident, Adamawa Province,
The Honourable Mr. G. S. Browne.
- The Senior Resident, Plateau Province,
The Honourable Capt. P. Lonsdale.
- The Senior Resident, Kano Province,
The Honourable Mr. C. W. Alexander, C.M.G.
- The Senior Resident, Zaria Province,
The Honourable Mr. E. H. B. Laing.
- The Resident, Bauchi Province,
The Honourable Mr. C. A. Woodhouse.
- The Acting Secretary, Northern Provinces,
The Honourable Mr. H. H. Middleton.
- The Resident, Adamawa Province,
The Honourable Major T. A. G. Budgen, M.C.,
- The Mining Member,
The Honourable Mr. A. L. Butler.
- The Commercial Member for Port Harcourt, (Provisional)
The Honourable Mr. P. H. Davey.

MINUTES.

The Hon. the Acting Chief Secretary to the Government: Sir, in respect of the Minutes of the first day's meeting of the Session of the Council there was a mistake in the last paragraph but one of those Minutes. It is recorded that the Honourable Member for the Colony Division had opposed the second reading of the Supply Bill. That is not the case. The Honourable Member was not present when those Minutes were passed, and I think we shall be in order if we move that amendment here. I beg therefore to move that the following paragraph be substituted.—

"THE 1929-1930 SUPPLY ORDINANCE, 1929.

"The Honourable the Acting Chief Secretary to the Government seconded by the Honourable the Treasurer, moved that Standing Order No. 23 be suspended in order to enable the 1929-1930 Supply Ordinance, 1929, to be read a second time at this meeting of the Council. The motion was agreed to. The Honourable the Acting Chief Secretary to the Government, seconded by the Honourable the Treasurer, moved that the 1929-1930 Supply Ordinance, 1929, be read a second time."

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): Your Excellency, that was exactly the position of affairs. I did not oppose the motion at all.

The amendment was carried.

PETITIONS.

Nil.

NOTICE OF QUESTIONS AND MOTIONS.

Nil.

QUESTIONS.

Nil.

RESOLUTIONS.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, K.T., O.B.E.): Your Excellency, I beg to move the suspension of Standing Orders to permit me to move a resolution which reads thus:—

"Be it resolved: That this Council desires to express to Mrs. C. L. Temple, its deep sympathy on the severe loss she has sustained by the death of her husband the late Mr. C. L. Temple, C.M.G., at one time Lieutenant-Governor of the Northern Provinces, Nigeria, and to record its high appreciation of the valuable services he rendered to Nigeria."

Sir, it was in 1914 that I had the good fortune to make the acquaintance of the then Acting Governor of Nigeria, the late Mr. C. L. Temple, and I am very glad indeed to be able to record the fact that he honoured me subsequently with his friendship, and I found in him a valuable friend and adviser. He arrived in the country, I believe Sir, in 1911 and from that time until 1913 he acted in the capacity of Chief Secretary of the Northern Provinces. He was one of the noble and efficient band of officers whom Sir Frederick Lugard, now Lord Lugard, gathered around him for the very arduous task which lay before him of consolidating the old Northern Provinces and making them what they are to-day. In 1914, on the amalgamation, he was appointed Lieutenant-Governor of the Northern Provinces, and as far as I can remember, he occupied that position until 1917 when he left to retire from Nigeria. He was one of that band of men whom Nigeria could ill afford to lose. The late Mr. Temple's heart and soul were in the work before him, and he never spared himself. He was an unassuming gentleman, kindly disposed to everyone, firm but very courteous, and generous in heart. We discussed many propositions together, Sir, and on one occasion when I did

not see altogether eye to eye with the Government he invited the Honourable Mr. Pearse and myself to visit the Northern Provinces, an invitation which I gladly accepted. It was an eye-opener to both of us, and speaking both for myself and Mr. Pearse, who wishes to associate himself with these remarks, it has helped us to stand by Government in the way we have done from that time till now.

Mr. Temple, Sir, was very fond of the African races. In him was inherent that spirit that England is a trustee for the African races: to the end of his days he strove to better the conditions of this country, and I am very sorry indeed that ill-health compelled him to retire at a time when I believe he would have risen much higher in the Service. Mrs. Temple was a very good wife to him and a very kindly lady, and I am sure his loss must be a very severe blow to her. When I heard the sad news the thought occurred to me that it would be in accordance with the fitness of things if I sought your permission, Sir, to bring this resolution. I beg formally to move the resolution standing in my name.

His Honour the Lieutenant-Governor, Northern Provinces: Your Excellency, and gentlemen: on behalf of the Government I should like to associate myself and all Government officials with the motion which the Honourable Member for the Colony Division (Sir Kitóyi Ajasa) has proposed. We who were with Mr. Temple in the Northern Provinces realise perhaps more than anyone else can realise how greatly the Northern Provinces, in fact I may say, the whole of Africa, is indebted to Mr. Temple's single minded devotion to this country, and to African races generally and to his very considerable administrative ability. When Mr. Temple came to this country, conditions were nothing like what they are now. It was Mr. Temple's extreme ability and his devotion to duty which were mainly responsible for the system of administration in the Northern Provinces and also to a large extent in the Southern Provinces as it exists to-day, and I do not think there is any man whose death is a greater loss to the African races and to the Administration than is Mr. Temple's. Quite late in his career he went down to the Southern Provinces, and I was not surprised to hear that very soon he had managed to impress his personality on such places as Abeokuta and Oyo, where he rendered great services.

I beg to second the motion.

His Excellency: I will now put the motion to the vote:

"That, this Council desires to express to Mrs. C. L. Temple, its deep sympathy on the severe loss she has sustained by the death of her husband the late Mr. C. L. Temple, c.m.g., at one time Lieutenant-Governor of the Northern Provinces, Nigeria, and to record its high appreciation of the valuable services he rendered to Nigeria."

Will all those in favour say "Aye".

The motion was carried unanimously.

His Excellency: I would request Honourable Members to stand for a few moments as a tribute of respect to the dead.

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

"Be it resolved: That, this Council approves the expenditure of £119,114 as detailed in the Supplementary Estimates for 1928-29 which were laid on the table at the first meeting of this Session of the Council and passed the Finance Committee on 5th February, 1929."

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

The motion was carried unanimously.

BILLS.

THE 1929-1930 SUPPLY ORDINANCE, 1929.

The Hon. the Acting Chief Secretary to the Government: I beg, Sir, to present the Report of the Select Committee on the Supply Bill and in doing so I wish to express the thanks of the Government to the Unofficial Members for the very valuable assistance they have given by their careful scrutiny of Government expenditure.

The Select Committee, Sir, although adding upon the proposal of Government, two such considerable items as £5,000 for Aviation and £6,000 for Assistance to Medical Missions has nevertheless managed to present a report which recommends a net increase of only £569 upon the proposed expenditure submitted to it. It follows therefore that the scrutiny by the Committee has resulted in substantial economies under other items, and I think Honourable Members may be fully satisfied that the time and care they have given has resulted in their having proved a very real assistance to the Government in its campaign of economy.

There is only one point of detail which I wish to mention and that is to place on record the fact that the Members of the Select Committee were unanimous in considering that the time had come when Government should make the modest start proposed in regard to aviation.

I am happy to report, Sir, that throughout the deliberations of the Committee the spirit of co-operation was the key-note, and I wish again to thank Honourable Members for their assistance. I beg to move that Council go into Committee upon the report which I now present.

Council in Committee.

THE 1929-1930 SUPPLY ORDINANCE, 1929.

REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL
APPOINTED TO CONSIDER THE PROVISIONS OF THE 1929-1930
SUPPLY ORDINANCE, 1929.

YOUR EXCELLENCY,

The Committee sat on the 1st, 2nd, 4th and 5th of February, 1929.

They examined each Head of the draft Estimates, and the details of the alterations which they recommend are shown in the schedule to this Report.

2. The financial effect of these recommendations is to increase the estimated expenditure for the year 1929-1930 by ten thousand nine hundred and ninety-three pounds and to decrease it by ten thousand four hundred and twenty-four pounds.

The net increase is therefore £569.

First Schedule.

Head 7.	Colliery.—For “ £134,330 ” read “ £130,330 ”.
Head 9	Education, Northern Provinces.—For “ £58,312 ” read “ £58,462 ”.
Head 16.	Lieutenant-Governor's Office, Northern Provinces.—For “ £5,513 ” read “ £5,683 ”.
Head 18.	Myrine.—For “ £479,720 ” read “ £479,928 ”.
Head 19.	Medical.—For “ £354,218 ” read “ £360,498 ”.
Head 22.	Miscellaneous.—For “ £175,065 ” read “ £176,790 ”.
Head 27.	Posts and Telegraphs.—For “ £276,101 ” read “ £277,381 ”.
Head 28.	Printing.—For “ £36,585 ” read “ £36,355 ”.
Head 24.	Public Works.—For “ £228,344 ” read “ £229,304 ”.
Head 36.	Public Works Extraordinary.—For “ £918,244 ” read “ £912,194 ”.
Head 45.	Surveys.—For “ £120,594 ” read “ £120,814 ”.
Head 47.	Veterinary.—For “ £50,128 ” read “ £49,984 ”.

and the total expenditure will be £7,190,438.

Second Schedule.

(No change.)

3. In clause 1 of the Bill the words " nine million, eight hundred and sixty-one thousand three hundred and sixty-one pounds " should be deleted and the words " nine million, eight hundred and sixty-one thousand, nine hundred and thirty pounds " substituted.

4. In clause 2 of the Bill the words " seven million, one hundred and eighty-nine thousand, eight hundred and sixty-nine pounds " should be deleted and the words " seven million, one hundred and ninety thousand, four hundred and thirty-eight pounds " substituted.

DONALD KINGDON,
Chairman of Committee.

Lagos,

5th February, 1929.

The Bill, as recommended in the Report, having passed through Committee, the Council resumed, and on the motion of the Honourable the Acting Chief Secretary to the Government, seconded by the Honourable the Treasurer, the Bill was read a third time and passed.

ADJOURNMENT.

His Excellency: Council will now adjourn *sine die*.

Council adjourned at 10.30 a.m.