

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA
ON

Monday, 6th March, 1939.

Pursuant to notice the Honourable the Members of
the Legislative Council met in the Council Chamber,
Lagos, at 10 a.m. on Monday, the 6th of March,
1939.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable Mr. C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,
His Honour Mr. T. S. Adams, C.M.G.
- The Acting Chief Commissioner, Southern Provinces,
His Honour Mr. G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable Mr. H. C. F. Cox, K.C.
- The Financial Secretary,
The Honourable Mr. H. L. Bayles, C.M.G.
- The Commandant,
The Honourable Brigadier D. P. Dickinson, D.S.O.,
O.B.E., M.C.
- The Director of Medical Services,
The Honourable Dr. R. Briercliffe, C.M.G., O.B.E.
- The Director of Transport,
The Honourable Mr. G. V. O. Bulkeley, C.B.E.

- The Director of Education,
The Honourable Mr. E. G. Morris, O.B.E.
- The Director of Marine,
The Honourable Commander A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. E. C. F. Bird.
- The Acting Deputy Chief Secretary,
The Honourable Mr. T. Hoskyns-Abrahall.
- The Senior Resident, Kano Province,
The Honourable Mr. J. R. Patterson.
- The Resident, Oyo Province,
The Honourable Captain E. J. G. Kelly, M.C.
- The Resident, Owerri Province,
The Honourable Mr. F. B. Carr.
- The General Manager of the Railway,
The Honourable Mr. J. H. McEwen.
- The Director of Public Works,
The Honourable Mr. S. J. W. Gooch.
- The Director of Agriculture,
The Honourable Captain J. R. Mackie.
- The Honourable Captain A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.
- The Honourable Mr. S. R. Marlow,
Deputy Financial Secretary (Extraordinary Member).

UNOFFICIAL MEMBERS.

- The Member for Shipping,
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,
The Honourable Dr. H. Carr, O.B.E., I.S.O., D.C.L.
- The Member for the Ibo Division,
The Honourable Mr. B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable Mr. S. B. Rhodes.
- The Member for the Warri Division,
The Honourable Mr. A. Egbe.
- The Member for the Oyo Division,
The Honourable Mr. N. D. Oyerindé.
- The Banking Member,
The Honourable Mr. D. D. Gibb.

- The Commercial Member for Lagos,
The Honourable Mr. R. M. Williams.
- The Member for Calabar,
The Honourable Revd. O. Efiang.
- The Member for the Ibibio Division,
The Honourable Mr. N. Essien.
- The Member for the Ijebu Division,
The Honourable Dr. N. T. Olusoga.
- The Second Lagos Member,
The Honourable Dr. K. A. Abayomi, M.D.
- The Third Lagos Member,
The Honourable Mr. O. Alakija.
- The First Lagos Member,
The Honourable Mr. H. S. A. Thomas.

ABSENT.

OFFICIAL MEMBERS.

- The Senior Resident, Plateau Province,
The Honourable Mr. E. S. Pembleton.
- The Senior Resident, Onitsha Province,
The Honourable Mr. A. E. F. Murray.
- The Senior Resident, Ilorin Province,
The Honourable Mr. F. de F. Daniel.
- The Senior Resident, Sokoto Province,
The Honourable Commander J. H. Carrow, D.S.C., R.D.
- The Resident, Benue Province,
The Honourable Mr. D. M. H. Beck, M.C.
- The Resident, Niger Province,
The Honourable Mr. P. G. Harris.
- The Resident, Katsina Province,
The Honourable Mr. R. L. Payne.
- The Secretary, Northern Provinces,
The Honourable Mr. A. E. V. Walwyn.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. E. N. Mylius.

UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,
The Honourable Mr. P. H. Davey.
- The Commercial Member for Kano,
The Honourable Mr. W. J. Ogden.
- The Commercial Member for Calabar,
The Honourable Mr. L. A. McCormack.
- The Mining Member.
(Vacant).

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

HONOURABLE MEMBERS,

For the past three years, when addressing you on this occasion, it has been my pleasant task to indicate to you the steps which the Government proposed to take to dispose of a welcome and considerable surplus which had accrued during the year drawing to a close. Even last year, when it was clear that the short period of prosperity through which we had been passing had come to an end, we were still able to look back with satisfaction on the immediate past. This year both retrospect and prospect are equally gloomy.

Last year, faced with a certainty of falling revenues, we had to choose between a policy of retrenchment and curtailment of services, or one of marking time in the hope that things would get better. Strong in the knowledge that we had used our short burst of prosperity to strengthen our Reserve Funds to a really considerable extent, we decided, with the full approval of this Council, to adopt the latter policy. Although, far from getting better, things got a good deal worse, I do not for a moment regret that decision, but the deterioration in our revenue has been so sharp and so persistent that it is impossible for the Government to continue fully the marking-time policy adopted last year.

The sharp break in prices which asserted itself at the beginning of 1938 was more than maintained, and, save for an occasional short-lived upward tendency in the case of one commodity or another, the prevailing trend of prices throughout the year was downward, all prices, at one time or another, approaching the low levels which prevailed in 1934. The value of exports fell from £19,436,165 to £9,701,249, a drop of 50%, from the highest figure ever recorded to one scarcely higher than the lowest post-war figures of the slump periods 1921/22 and 1931/34. Unfortunately, but not unnaturally, unremunerative prices were responsible for a fall in the volume as well as the value of exports. In certain cases produce was held up in the vain hope of a rise in prices; palm-oil is still being held up in Warri on this account. In other cases, the cost of transport from remote districts, on top of low prices, reduced the producer's profit to the vanishing point, and made it necessary for him to make such local use of his produce as he could, instead of selling it for export. It is hoped that the recent reductions in ocean and rail freights made by Elder Dempster Lines and the Nigerian Railway respectively, both of which were at once fully reflected by an increase in price, will materially help to counteract the latter tendency in the case of the groundnut crop, which produced, in 1938, the lowest export of nuts since 1931, and the poorest cash return since 1923.

The serious fall in the value of exports had an immediate repercussion on imports, which were also affected by the wave of restocking, and possibly overstocking, which reached its crest in 1937. This had been anticipated, but the failure of prices to revive, or even to retain stability, dried up the flow more rapidly than had been estimated, and imports fell from £14,624,750 to £8,632,292. Even so, imports were rather higher than the export figures justified, and the favourable visible balance of trade fell from four and a quarter million pounds, the average of the preceding three years, to just over one million, the lowest since 1923. This is in some respects a disquieting symptom, the causes of which are being carefully examined, but it does also seem to bear out the opinion which I expressed last year to the effect that the people of the country had accumulated savings to a considerable extent during the brief reign of high prices. This opinion is further borne out by the fact that the total of Savings Bank deposits continued to increase, being over £22,000 higher at the end of 1938 than at the end of 1937.

The really serious thing about the heavy fall in imports is, of course, its effect on the receipts from import duties. Taking into account export duties also you will see, from the table on page 6 of the Estimates, that the revised estimate of receipts from Customs duties is no less than £636,000 less than the original estimate. Other revenue receipts have also fallen, notably royalties on tin, the estimate for which, owing to the low quotas in force under the restriction scheme for most of the year, has had to be reduced by £73,000. The West African Currency Board will, I fear, give us nothing, instead of the £80,000 for which we had hoped. The nett result is that our revenue for 1938-9 is now expected to be in the neighbourhood of £900,000 less than the original estimate.

The possibility that the situation would deteriorate more rapidly than had been allowed for in last year's estimates was foreseen at the beginning of the year, and in my address at the time I indicated what steps we should take to deal with such a contingency should it arise. Those steps were taken; the filling of vacancies was postponed, expansions of services were cut down, and no demands for supplementary expenditure allowed unless they were clearly unavoidable. The result, it is anticipated, will be that the difference between total savings on the original estimates of expenditure, and total supplementary estimates, will be about £250,000 on the right side. We had, as Honourable Members will recollect, budgeted for a deficit of £300,000. The actual deficit will be in the neighbourhood of £950,000, and our available surplus balances will accordingly be reduced to approximately £1,700,000 at the end of this month.

An examination of previous volumes of the estimates will show that never before, since the war, have the surplus balances stood at a lower figure than £2,258,000, the figure shown for March 31st, 1934. The

conclusion which leaps to the eye is that at the end of this financial year the reserves of this country will be over half a million pounds less than they were at the end of the great depression.

Fortunately this conclusion is very far from the truth for a number of reasons. In the first place we have the special reserve of £500,000 which appears in the Balance Sheet as a separate item but is not included in the unallocated surplus and which did not exist in 1934. Secondly, the surplus of five years ago included a number of frozen assets amounting to £167,000 so that the real liquid surplus at that date was less than appeared. In addition we now have renewals funds—Marine, Electricity and Water—totalling £967,000 in place of a meagre sum of £80,000 in 1934. Further, we have, since the Railway was put on a commercial basis, advanced for Capital Works a sum of approximately £200,000 which it is anticipated will eventually be restored to revenue from the next loan that we raise. Far from our reserves being over half a million less than they were in 1934 they are in actual fact nearly one and a quarter millions higher. And even this leaves out of account the substantial contributions which have been made in the last three years to the Supplementary Sinking Fund which is now about £870,000 higher than in 1934.

But even so there is, I am afraid, no ground for complacency. It is true that our reserves are, in spite of the depredations of the current year, considerably stronger than they were at the end of the depression. But it is also a fact that we have set ourselves to maintain our surplus balances, apart from the special reserve fund, at £2,300,000 in normal times. Allowing, as we legitimately may, for the sum advanced to the Railway, which we shall get back out of the next loan we borrow, we are still £400,000 below that figure. These are not normal times, at least we devoutly hope that they are not, and the whole object of maintaining our surplus balances at so high a figure as two and a quarter millions is that we may be able to draw on them in abnormal times. Unfortunately there are no signs of a return to normality in the near future, and it would be the height of imprudence to base our estimates of revenue on a mere assumption that things have got so bad that they must soon take a turn for the better. Lacking, as we do, any signs of early improvement, and faced as we are with the possibility that our revenue from existing customs duties may not even maintain this year's level, I feel sure that Honourable Members will agree with me that our estimates of expenditure must be so framed as to avoid any further substantial inroad on our surplus balances. They can stand a considerable further inroad; let there be no mistake about that. If there were sure indications of really improved trade conditions during the coming year, or even in a year's time I would not hesitate to agree to such an inroad. But there are not; should circumstances now unforeseen compel us to make a further substantial

reduction in our balances, we shall be able to do so with a clear conscience, but to do so deliberately, and so to reduce our safeguard against unforeseen disasters, would, in my opinion, be folly.

Apart from a few slight increases, such as those in the receipts from Tin Royalties and from the Currency Board, the reasons for which are explained in the Financial Secretary's memorandum, the estimates of revenue have been based closely upon the anticipated actual receipts for the current year, and the total amount which we have estimated that we shall receive from existing sources is £5,865,000.

Obviously, a very considerable reduction in our estimates of expenditure for the current year, namely £6,875,997, was called for. The actual reduction which has been made is £682,900. The lower figure of £563,716 which appears in the estimates is due to certain accounting adjustments and to higher self-balancing expenditure. The policy which has been followed has been to pare departmental expenditure to the bone, in so far as this can be done without impairing the main structure of the departments or materially reducing the services which they perform. The recommendation made by the Finance Committee last year that there should be no forced retrenchment of staff has been observed. It is with great reluctance that I have had to call a halt to our modest programme of development of the social services and to resist other claims for expenditure which would undoubtedly prove remunerative. It has also been necessary to suspend the operation of the programme of public works upon which we had determined, and to confine ourselves almost entirely to the completion of works already begun. Special and extraordinary expenditure has been reduced by £273,000, and recurrent expenditure by £150,000. A further £259,900 has been saved by reducing the payment to the Supplementary Sinking Fund to a token contribution of £100. While it is most desirable that the deficiencies in this fund should be cleared off as soon as possible, it does seem to me that short payments thereto will do less harm, both immediately and in the long run, than an actual curtailment of services, and it is some consolation to know that in the past two years, besides making the annual contribution in full, we have made extra payments, out of our favourable balances, amounting to £100,000.

After all this pruning there still remains an excess of expenditure over prospective revenue amounting to £467,000. I am most reluctant, in these difficult times, to add to the taxpayer's burden, but, if Honourable Members agree with me that there must be no further deliberate large inroad upon our surplus balances, the only alternative is curtailment of services. I have decided against the latter, and proposals will therefore be laid before this Council for additional taxation which will, it is hoped, bring in additional revenue to the extent of £350,000, leaving a deficit of just over £117,000.

Details of the increased taxation will be given to you by the Financial Secretary in due course, and I will merely state at this stage that we hope to obtain £120,000 from a Companies' Tax, £190,000 from additional customs duties, £20,000 from additional Income Tax, and £20,000 from an Excise duty on locally manufactured cigarettes.

A tax on the income of Companies is already taken in most countries, and the introduction of such a tax on orthodox lines needs no excuse. On the contrary, it appears to me a matter for regret that such a tax was not imposed years ago. Taking into account the reciprocal arrangements made by the United Kingdom Income Tax Authorities to avoid double taxation, the nett effect on Companies registered in the United Kingdom will be very slight, while the gain to this Government should be considerable.

The resolution to impose additional Customs duties will be moved this morning. The primary consideration in deciding upon the duties to be increased has been to avoid injuring the standard of living of the African, and when the resolution has been laid before you you will see that there is only one article in really common use that is effected. In this case, although the gain to the Government is considerable, the burden will be so wide-spread that its effect upon the individual will, I believe, be almost negligible. The other increases will chiefly affect Europeans and the wealthier classes among Africans.

As regards Income Tax, the local rate is to be increased from 1 per cent. to 1½ per cent. in the case of all incomes of £50 or over, non-native females will no longer be exempt, and all income derived from Nigeria will be taxed, whether the recipient is resident in this country or not. This Government will therefore get something out of the pensions which it pays to retired European officials, while they, by reason of the United Kingdom provisions against double taxation, will lose little or nothing. Africans of the wealthier classes, and non-natives, will be affected by the very slight rise in the local rate; I would ask them to consider the tremendous and increasing burden of taxation now being borne uncomplainingly in England in the interests of the security of the Empire, a matter of vital importance to Nigeria.

The excise duty on locally manufactured cigarettes is a normal measure of taxation which has hitherto been held in abeyance in order to foster the cultivation of locally grown tobacco and to encourage a local industry which gives employment to Africans. The trade is now sufficiently well established to bear the proposed charge.

In considering all these proposals I hope that Honourable Members will bear in mind the necessity, which the Government has had constantly before it, of being prepared to encounter a continuance of present unfavourable conditions. Nor can we overlook the possibility that, when the price

structure does stabilize itself, it may do so at a considerably lower level than that which was attained during the recent short burst of prosperity. It is possible that we may have to face a period of lower national income, lower purchasing power, and consequent lower revenue. The estimates have been framed with that possibility in mind. On the other hand, not having indulged in panic measures of retrenchment, we shall be ready to take advantage of recovery the moment it comes.

Before going on to my usual review of the more important developments of the current year, I wish to correct a misstatement which I made to the Council last year. I suggested that one factor, though a small one, contributing towards the low prices of vegetable oil products was the increase in the world's supply of whale-oil which was expected to result from the refusal of Germany and Japan to join in an agreement restricting whaling operations. Germany had in fact joined in the agreement, the result of which, however, during the first year of its operation, was far from satisfactory. Japan has now also joined, and further restrictions have been introduced.

AGRICULTURE

Throughout the year the Agricultural Department has continued to follow its clearly defined policy, the objects of which are briefly as follows :—

- (a) The maintenance of soil fertility and the development of systems of farming which will achieve this object.
- (b) The production and improvement of local food crops and local livestock.
- (c) The production of export crops, the improvement of existing export crops, and the investigation of possible new crops.
- (d) The efficient marketing of agricultural produce.

The main lines of work of the Department are all connected with one or other of the above items, and all are being tackled simultaneously. While steady progress has been made in all directions the very low level of produce prices and the need for the utmost economy in expenditure has made the past year a very difficult one. The Government, however, is making no attempt either to stimulate production or to introduce improvements by adopting compulsory methods.

In the Northern Provinces, the introduction of mixed farming in spite of difficulties caused by the fluctuations in the price of cattle and the low price of produce continued steadily and the number of farmers increased from 1,435 at the end of September, 1937, to 1,663 at the end of September

1938. An encouraging sign is the greatly improved standard of farming among those who are already well established. The establishment of the stock farm at Ilorin, the object of which is to try and develop a breed of cattle with sufficient resistance to trypanosomiasis as to make possible a system of mixed farming for the middle belt, has for all practical purposes been completed. The scope of the scheme has been extended to include the Southern Provinces, for the striking results of animal manure on the poor soils of the Eastern Provinces has led the Department to consider the possibility of developing some type of mixed farming for the Southern Provinces. This question is now being studied on all the Departmental farms in the Southern Provinces. A comprehensive programme of experimental work with both compost and artificial manures has been initiated at all stations.

Palm planting has been handicapped by the low price of palm products. Nevertheless the area planted has increased from 6,588 acres at the end of December, 1937 to approximately 8,680 acres at the end of December, 1938 and the number of owners from 3,557 to 4,617. Adequate supplies of seedlings were available in the nurseries to meet all demands. The United Africa Company's estates again gave valuable assistance by supplying large numbers of selected seeds free of charge. The sales of palm presses were similarly affected by the low price of palm oil but the number in use increased during the year from 798 to 815.

A thorough investigation by Administrative Officers into the difficulties encountered in accelerating the rate of palm planting was commenced during the year and is still in progress. A site for the oil palm research station which was mentioned in last year's speech has been selected in the Benin Province and preliminary work has been commenced. The present state of the finances of the country precludes the possibility of developing this scheme with any rapidity but provision for keeping it going has been included in the estimates for 1939-40, and an application has been made for assistance from the Colonial Development Fund.

The Department is giving increased attention to the improvement of poultry and breeding stations for the provision of pure bred cockerels have now been established at several centres. In the Northern Provinces work in connection with the management of goats has been intensified for the importance of this question in connection with soil erosion is fully realised.

As far as staff and funds permit every effort is being made to stimulate the production of fruit (especially citrus fruit) for local consumption and nurseries have been established at Ibadan, Agege, Yandev, Bida and Zaria, for the production of adequate supplies of planting material.

The development of the ginger industry has met with difficulties in connection with the chemical composition of the ginger. These are, however, gradually being overcome and in spite of the low price the quantity produced has been satisfactorily maintained. Experimental work with the export of grapefruit, pineapples and fruit juices has been continued and the results are promising. New varieties of chillies and soya beans have been introduced and are being tested. The production of tobacco for the British-American Tobacco Company has also increased and this crop has proved to be extremely profitable to the producers in those areas where it is being tried. It is pleasing to note that as a result of the inspection scheme for groundnuts, Nigerian groundnuts have throughout the season commanded a small premium over Coromandel.

The third West African Agricultural Conference was held in Nigeria from the 2nd to the 25th June, 1938. The conference was attended by Administrative, Veterinary and Forestry Officers as well as by Agricultural Officers. The proceedings of the conference will be published in due course.

CO-OPERATION

The co-operative Movement, set on a stable foundation three years ago, is progressing most satisfactorily. The number of Cocoa sale Societies has increased in the last two years from 69 to 124, and the total number of registered societies of all kinds from 79 to 172, the increase during the current financial year being fifty-seven in all. There can be no question whatever that the Co-operative Movement is the one hope of the Nigerian farmer. But it is of course impossible for co-operative societies to spring up, like mushrooms in the night, all over the country at once, and the present rate of increase is fully as rapid as the present size of the supervisory staff will permit. Badly managed co-operative societies are worse than none at all; the foundation of the structure must be well and truly laid, and every individual brick sound and in its proper place.

EDUCATION DEPARTMENT

There has been general progress, and an all-round increase of efficiency in the schools; but it cannot be denied that the percentage of children of school age in Nigeria actually attending school is regrettably low. It is the considered opinion of the Government that, when financial stringency makes it necessary to choose between establishing further elementary schools or increasing facilities for secondary education, the former must take precedence. In the year before us, unfortunately, we cannot expand at all. It is particularly unfortunate that funds cannot be made available to meet the increased expenditure due in connection with the new triennial

period of assessment of grants-in-aid. This will undoubtedly hit the missions hard, and increase their difficulties in obtaining trained teachers, who, owing to the inability of the missions to meet the demands for incremental salaries, are seeing trained men leave the teaching profession to take up more lucrative employment elsewhere. An increase in the provision for grants-in-aid must be made as soon as the country can possibly afford it.

Members of the Achimota Inspecting Commission paid a visit to the Higher College Yaba, and were very favourably impressed. One of their duties will be to put forward, for consideration by the Conference of West African Governors which will be held at Lagos in August next, recommendations for the co-ordination of facilities for Higher Education throughout West Africa. Meanwhile the Higher College is carrying on with vocational courses, and very encouraging reports continue to be received of the work and progress of ex-students of the College. The following passed out of the College last December:—

- 5 Medical Students, now in their fifth year, to the Medical School.
- 1 Mechanical Engineer to the P. W. D.
- 8 Science teachers, seven of whom obtained diplomas.
- 5 Students from the Commercial class, all of whom have obtained employment.
- 5 Survey students, to complete their course at the Survey school at Oyo.

It is proposed to make the Cambridge School Certificate, under certain conditions, the necessary qualification for entry to the Higher College; this will mean that Yaba students will have matriculated and, if the opportunity offers, be qualified to enter a university overseas.

The College at Kaduna is doing useful work in conjunction with Government Departments in training men for work with both Government and the Native Administrations, but the discrepancy between the salaries offered by the Government and the Native Administrations respectively is making it difficult to obtain men for employment under the latter.

An additional Government scholarship was awarded to Mr. Okorodudu in January. He has entered London University to read for an honours degree in Science (Botany and Zoology). Provision has been made in the 1939/40 Estimates for an additional scholar to be elected in September. This will bring the total number of Government scholars up to three.

The agricultural courses for teachers at the Training Centre at Ibadan continue to be successful, and the second Centre has been opened at Umuahia for teachers from the Eastern Provinces. Reports of Agricultural Officers, who have been in touch with ex-student teachers from the Ibadan Course, are distinctly encouraging.

A special course for training Visiting Teachers was concluded at Toro Training Centre, Northern Provinces. An interesting report on the course will shortly be published, and be made available locally. The publication has been undertaken by the Colonial Office on the recommendation of the Advisory Committee on Education for the Colonies. The results achieved were most satisfactory.

The apprenticeship scheme for elementary school boys functions well in Lagos and Port Harcourt, and will be extended to other towns when funds permit. It is proposed to start evening classes next year for the apprentices in Lagos who have left school.

There has been considerable progress in the girls' schools and training colleges, more especially in Domestic subjects. Plans for the re-building of Queen's College on the selected site at Yaba are now completed and under consideration. The new Training Centre for women teachers at Sokoto is nearing completion, and will be opened later in the year. Progress is undoubtedly being made with women's education in the Northern Provinces and, though the number of girls at school is not large, there has been an increase of approximately 40% during the year.

FORESTRY

Financial considerations have made it impossible to adhere to the programme of expansion laid down by the Forestry Conference of 1937, but the policy is being followed as far as possible with existing staff.

Native Administration Forestry Rules were introduced in Benin last August and the regulations which had been made under the Forestry Ordinance were withdrawn. It is proposed as soon as possible to take similar action in other parts of Nigeria, in pursuance of the policy of encouraging Native Administrations to take a more active part in the administration of their forests.

Considerable progress has been made in the vegetational and economic surveys which are being undertaken in the extreme North-West with the object of protecting these arid areas against further desiccation and soil impoverishment.

Last May a Forestry school for the higher training in Forestry of students from Kaduna College was opened at Samaru. Six pupils began the course, of whom one was subsequently found to be unsuitable. The pupils will spend a year at the school and a year with a Circle Forest Officer and will then, under the title of Forestry Assistants, be allotted to suitable provinces and form the nucleus of a future African Forest Service.

A special investigation into the possibility of developing African saw-milling for the supply of local markets was conducted by an officer from Malaya, Major F. W. Chipp, whose report is expected shortly. It is hoped

that a scheme can be evolved, on the lines of one which has worked with great success in Malaya, which will provide scope for African enterprise and labour and make a remunerative use of many species which, as they are unrecognised by the export trade, have at present no market value.

GEOLOGICAL SURVEY

The Geological Survey has continued its work of improving the water supply of the people in towns and villages. The sinking of concrete-lined wells, established for many years past in the Northern Provinces and still continuing, is now being rapidly extended in the Southern Provinces. The difficulty of obtaining water during the dry season on the Ishan plateau and in parts of Owerri Division has been lessened and an extensive scheme of well sinking has been begun on behalf of the Ngwa Clan of Aba Division.

GLASGOW EXHIBITION

The Nigerian Exhibit in the West African Pavilion at the Empire Exhibition at Glasgow last year was an outstanding success. The general high quality of the exhibits and the manner in which they were exhibited reflected great credit on those responsible, and, though the exhibit was a comparatively small one, it attracted a great deal of attention, as did the panelling and furniture in the Royal suite, all of which was of Nigerian wood. I visited the Exhibition myself, and was most favourably impressed. Steps have been taken to preserve some of the exhibits in the Imperial Institute, the hides and skins section being kept on exhibit there, available for use should we wish to show it elsewhere, while part of the timber section will be stored there in the form of a portable exhibit for use when required. Part of the material used in the Royal suite will be used for panelling the Tea Room in the Palace of Arts at Bellahouston Park in Glasgow. This is a permanent building and there will be an inscription showing the names and origin of the timber used.

LABOUR

It has become evident that it is only a matter of time before the creation of a separate department of Labour will be necessary. The necessary foundations are being laid by the selection of two administrative officers, who will undergo a course of instruction in England, and will deal with all labour questions out here under the direction of the Chief Secretary.

A Trades Union Ordinance was enacted during the year, and will come into force on April 1st. Ordinances to control the recruitment of labour and to provide for Workmen's Compensation are under consideration; the date on which it will be possible to put the latter into force will depend on the provision of adequate insurance facilities. The Government has

notified its assent to an international convention prescribing for the control of written contracts of employment, and the Labour Ordinance will in due course be amended in accordance therewith.

There have been no major labour disputes during the year, though it was anticipated at one time that there might be trouble in connection with a reduction of output at the colliery, necessitating the retrenchment of a considerable body of labour. The situation was fully explained to the men, who accepted the position. The whole conditions of labour at the colliery have been thoroughly investigated by an officer specially detailed for this work, and a Staff Welfare Officer, whose sole duty is to look after the welfare of the labourers, has been appointed. The labour organisation of the mine is being reorganised on lines which will not only give satisfaction to the men but will, it is hoped, bring about economies in working.

In the Railway, despite recent concessions which have added £100,000 a year to the wages bill, demands for the improvement of certain conditions continue. They are usually presented very reasonably and receive sympathetic consideration, but I regret to say that the workmen in the foundry recently left their work after presenting a petition without giving any time for its consideration. They will have to learn that such unreasonable action not only does not add to their chance of getting what they want, but may involve them in serious personal loss. As I said two years ago, on the occasion of the strike at the colliery, a strike is a perfectly legitimate weapon if properly used. But it is a very dangerous weapon to both parties if used irresponsibly.

MEDICAL

The Estimates of Expenditure of the Medical Department are £40,155 less than those presented a year ago. The reduction in Personal Emoluments amounts to £14,105, in Other Charges to £16,190 and in Special Expenditure to £9,950.

Under present financial conditions it is impossible to envisage any expansion of the Medical Services and the coming year must be a period of marking time and consolidation.

During the past year the Sleeping Sickness Service was brought up to full strength. The Anchau Settlement scheme involves the withdrawal of some 70,000 people from existing hamlets in tse-tse prevalent country and their re-settlement in an area of approximately 140 square miles which is being rendered tse-tse free as far as possible. The land in question has been carefully surveyed with a view to ensuring that adequate fertile soil is available, water supplies are being provided and the planning of the new villages will be carried out on hygienic lines. In addition to the execution of this scheme, the Control Section is also responsible for the supervision of two

large scale protective clearing campaigns, on completion of which it is anticipated that some 200,000 people in the areas concerned will be afforded protection against infection with Sleeping Sickness.

The Treatment Section of the Sleeping Sickness Service examined 361,000 persons, of whom 21,037 were found to be infected, an average infection rate of 5.9%. Of these 20,416 had received a full course of treatment at the end of the year. Follow-up treatment has been continued at the thirty specially built dispensaries, which some 10,000 sleeping sickness patients attended during the year for examination and treatment, and funds were provided for the improvement and extension of this dispensary service.

Considerable attention has also been devoted to the standard of housing and sanitation in labour camps on mines and plantations in Nigeria and the Cameroons and much progress can be recorded, particularly in so far as the plantations are concerned.

The epidemic of Cerebro-Spinal Fever which had raged with widespread severity in the Northern Provinces during the early months of 1937 again affected that area in the first few months of 1938 and caused still greater loss of life. There were more than 6,000 deaths reported from this cause and there is reason to fear that in outlying areas many unrecorded deaths occurred. The Native Administrations concerned have undertaken to establish epidemic teams in the affected provinces with a view to effecting earlier discovery of such outbreaks in order that preventive and curative measures may have a greater chance of success.

Small-pox was another cause of widespread loss of life throughout Nigeria, in both Southern and Northern Provinces, but happily preventive measures in this case offer more hope of success. The local production of vaccine lymph has now progressed beyond the experimental stage and it is anticipated that in two or three years time sufficient lymph for Nigeria's needs will be manufactured in the Medical Laboratories at Yaba. The resultant financial saving will be quite considerable.

Health Propaganda plays an ever-increasing part in the activities of the department and for a comparatively small sum much progress in the education of the general public has been effected. The propaganda van and mobile cinema has toured extensively throughout the year and wherever it has been taken has proved an unqualified success. The establishment of Rural Health Units, conducted "by the people for the people", is also proving a popular innovation and six of these units are now in existence and show definite signs of thriving.

POSTS AND TELEGRAPHS

Considerable progress has been made in extending postal services to meet growing demands, and in 1938, 54 additional postal agencies were opened. The Cash-on-Delivery parcel service opened on April 1st last,

providing new ones, remain to be solved. The difference is that now, instead of merely having a vague feeling that all is not quite as it should be.

and this class of traffic is showing a progressive increase. Steady progress has been made in rebuilding the main telegraph lines, installing trunk telephones, and opening additional telephone agencies.

PROVINCIAL ADMINISTRATION

The change in the organisation of the Southern Provinces which I foretold last year will take effect on April 1st, and I am sure that the Council will wish to join me in congratulating the two new Chief Commissioners on their appointments. Mr. Whiteley comes from the North, but his long residence in Lagos has made him very familiar with Yoruba affairs. His very many Yoruba friends have already shown their appreciation of his appointment, and the Western Provinces in general have good reason to feel, as I know that they do feel, that they are in safe and considerate hands. Mr. Shute is a real Easterner, and knows the Eastern Provinces inside out. The innumerable small organisations east of the Niger need very careful handling, and Mr. Shute's insight and sympathy make him particularly well suited for this difficult task.

I am glad to say that the troubles at Ibadan to which I referred last year were settled soon afterwards and that good relations now prevail among the chiefs of that important town. Affairs at Ijebu-Ode have also settled down, the Akarigbo of Shagamu having given earnest of his desire to make the introduction of the change as unprovocative as possible. There have, of course, been minor difficulties attendant on the change, but the Awujale has behaved with his usual restraint and sound common-sense, and I am grateful to him for having accepted with such good grace a decision which could not be anything but painful to him.

In December last there were disturbances in the Okigwi Division. Low produce prices had led to dissatisfaction, and there was organised resistance to the payment of taxes. A disquieting feature was the prominence which women took in the disturbance, and it was evident that they were of the opinion that the Government would be reluctant to take action against them. Peaceful methods having failed, and it having been decided that the payment of the very low rate of tax would cause no real hardship, I decided that action must be taken by the police to break up the unlawful gatherings that were taking place. The police behaved with considerable fortitude, considering the numbers opposed to them, and with firmness but also with admirable restraint. Very few people were injured, and there is no doubt that less prompt and firm action would have resulted in much more grave disturbances and probably in loss of life. The normal procedure of tax collection was soon in full swing again, and individual cases of hardship received proper consideration.

asked for, and have given, an assurance that they will co-operate with the Government in considering other transport problems now under review upon an equally broad basis.

MARINE AND PORT DEPARTMENTS

In connection with the better distribution of transport, it is clear that a greater use of the facilities of Port Harcourt would not only be of considerable benefit to the Railway, but might obviate or at any rate postpone the necessity for providing further facilities, at considerable cost, at Apapa. This question is receiving the attention of the Transport Directorate, and in the meantime, as funds permit, the unlit buoys along the Bonny river are being gradually replaced by lighted buoys. The Bonny bar has sensibly deepened, and the recommended draught of ships using this route has been increased from 21 feet to 23 feet. With a more fully lit channel and deepening bar, Port Harcourt will be in a favourable position to afford superior facilities for shipping if the proportion of traffic using the Eastern railway line can be increased. The Forcados Bar still presents a difficult problem, and it is clear that unless considerable annual expense on dredging is incurred there will be gradual deterioration. In the case of a port which pays no dues it is clear that the general taxpayer cannot be expected to bear this expense. Discussions with the firms concerned are proceeding, and in the meantime the possibilities of using the Escravos river as an approach to the Forcados river are being examined.

Considerable anxiety has been caused to the Government by the continued erosion along the Victoria beach. This averaged 100 feet per annum from 1926 to 1936, and two years ago there appeared a real danger that the sea would cut a new channel for itself across the North end of the East Mole. This would have had the immediate effect of reducing the scour in the entrance channel to the harbour, upon the maintenance of which the whole life of the harbour depends. Steps were taken to strengthen the Northern end of the East Mole, and to reclaim the depression lying between the Mole and Victoria village. The result has been to reduce erosion in this area to 20 feet per annum in the last two years. Further to the East erosion continues at the old rate, but this does not constitute an immediate danger, and the Consulting Engineers are of the opinion that in a few years the erosive action will cease. No further expenditure is necessary at the moment, but the situation is being carefully watched.

VETERINARY

The headquarters of this department are hidden away in the mountain fastnesses of Vom, and the great majority of its work is done among the cattle owning people of the North, and scarcely comes to the notice of the literate public. It would not therefore be surprising if this Council did not

... the future of port development, the better distribution of transport so as to make a full use of existing facilities before

fully appreciate the magnitude and importance of the work which is being done with very limited resources. Very nearly a million cattle were inoculated last year for rinderpest or vaccinated against pleuro-pneumonia or anthrax, and it is, I think, no exaggeration to say that, given adequate financial provision, the department could eradicate these serious diseases almost completely, with great economic advantage to the country.

The department is doing excellent work in improving the quality of local hides and skins, and an expansion of their activities in this direction, when it can be afforded, should more than pay for itself in a very short time.

H.M.S. "NIGERIA"

I referred last year to the possibility of the Government and people of this country associating themselves in some practical fashion with the new cruiser, to be named after this country, the keel of which was laid early in 1938. In the estimates before you there is provision for a sum of £345, to cover the cost of a silver ship's bell, which will bear the inscription, "Presented by the Government and People of Nigeria." Even in our present state of poverty I think that we can afford this recognition of the honour done to Nigeria in naming one of the new cruisers after her.

CONCLUSION

In conclusion let me bid a welcome on your behalf to three new official members, the Chief Secretary, the Director of Education, and the Director of Public Works. The first two are old friends of mine, and I have seen much good work from both of them in Ceylon and Uganda respectively. All three bring to the service of Nigeria valuable experience from other countries. Let me also welcome no less than six new African unofficial members, four elected and two nominated. I wish that their first task could have been a more cheerful one than that which confronts us all on this occasion.

The fact that my tale has been, for the most part, not a very cheerful one has, I fear, not prevented the telling of it from occupying an unconscionable time. I thank you all for the patience with which you have listened to me.

CONFIRMATION OF MINUTES.

The Minutes of the meetings held on the 28th and 29th November, 1938, having been printed and circulated to Honourable Members were taken as read and confirmed.

OATHS.

The Honourable the Chief Secretary to the Government, the Honourable the Acting Deputy Chief Secretary, the Honourable the Senior Resident, Kano Province, and the Honourable the Director of Public Works, took the Oath as Members of the Council.

PAPERS LAID.

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

Sessional Paper No. 33 of 1938, Annual Report on the Marine Department for the year 1937.

Sessional Paper No. 34 of 1938, Report on the Accounts and Finances for the year 1937-38.

Sessional Paper No. 1 of 1939, Annual Report on the Agricultural Department for the year 1937.

Sessional Paper No. 2 of 1939, Report on the Post Office Savings Bank for the year 1937-38.

Sessional Paper No. 4 of 1939, Report on the Medical Services for the year 1937.

Sessional Paper No. 5 of 1939, Annual Report on the Public Works Department for the year 1937.

Sessional Paper No. 6 of 1939, Annual Report on the Administration of the Prisons, Southern Provinces and Colony, Nigeria, for the year 1937.

Sessional Paper No. 7 of 1939, Annual Report on the Education Department for the year 1937.

Draft Estimates, 1939-40.

Draft Railway Estimates, 1939-40.

Memoranda on the Draft Estimates, 1939-40.

Report of the Finance Committee for the period from November, 1938 to February, 1939.

Certificate of Urgency in respect of the following Bills:—

The Colony Taxation (Amendment) Ordinance, 1939.

The Non-Natives Income Tax (Protectorate) (Amendment) Ordinance, 1939.

The Companies Income Tax Ordinance, 1939.

The Tobacco and Cigarettes Excise Duties (Amendment) Ordinance, 1939.

Certificate of Urgency in respect of the following Resolutions and Orders:—

Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924).

Resolution and Order under the Tobacco and Cigarettes Excise Duties Ordinance, 1933 (No. 23 of 1933).

Subsidiary Legislation made since the last meeting of the Council.

QUESTIONS.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

1. (Question No. 40 of the 28th of November, 1938). (a) To ask for a statement of the expenditure incurred on behalf of each Department during the last three financial years in respect of passages to and from the United Kingdom of European Officers and/or their wives?

(b) What is the number of European Officers in each Department who are entitled to free passages to and from places outside the United Kingdom for themselves and/or their wives; and the total expenditure incurred in respect of such passages on behalf of each Department during the last three financial years?

Answer:—

The Hon. the Financial Secretary:

(a) (i) The expenditure on passages for the years in question was as follows:—

	1935-36.	1936-37.	1937-38.
	£	£	£
Governor's Office	51	134	2
Accountant-General	1,132	1,717	1,185
Administrator-General	48	45	80
Agriculture	2,874	3,522	3,935
(Produce)	945	927	1,219
Air Services	70	—	—
Analyst	155	90	216
Audit	1,259	1,132	1,436
Colliery	966	732	949
Customs	1,133	1,224	840
Education	6,444	6,080	7,700
Forestry	2,713	2,372	3,182
Geological Survey	600	920	882
Judicial	1,900	1,649	1,884
Land and Survey	2,277	1,963	2,703
Legal	363	268	841
Marine	4,641	5,170	5,261
Medical	13,773	13,112	16,335
Military	8,040	7,982	9,010
Mines	443	504	438
Police	4,669	3,756	5,796
Port	465	199	766
Posts and Telegraphs	3,034	3,043	3,821
Printing	332	326	439
Prisons	611	674	797
Provincial Administrations	24,427	19,550	26,366
Public Works	8,003	9,323	11,999
Public Works Electricity Branch	1,913	1,717	1,875
Secretariat, Nigerian	719	172	410
Transport Directorate	—	171	250
Veterinary	1,670	1,618	2,169
Total	£95,670	90,092	112,786

(ii) Apart from minor payments for coastal passages of transferred officers which it is not practicable to analyse at this date, all these amounts were in respect of passages to and from the United Kingdom with the exception of the following:—

	1935-36.	1936-37.	1937-38.
	£	£	£
Agriculture	60	51	—
Judicial	—	105	—
Legal	—	50	125
Medical Services	33	52	—
Police	29	—	141
Provincial Administration	97	—	—
Total	£219	258	266

(b) (i) European officers whose homes are in countries other than the United Kingdom are eligible for free passages for themselves and their wives at the end of each alternate tour. The number of such officers as at present recorded is as follows:—

Department.	Number of Officers.
Administrative	11
Agriculture	2
Customs	3
Geological Survey	2
Judicial	3
Legal	3
Medical	12
Police	12
Posts and Telegraphs	2
Prisons	1
Public Works	1
Railway	2

It must, however, be realised that the number is subject to frequent variation.

(ii) In addition, any officer desiring to spend his leave in a country other than the United Kingdom is usually allowed to do so provided that there is no objection on medical grounds and that the cost to the State does not exceed the normal cost of the passage to the United Kingdom.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

2. (Question No. 43 of the 28th of November, 1938). (a) To ask for a statement of the names, grades, and Departments, of clerks who have passed the Government shorthand-typists' examination since 1928:—

(i) With honours or distinction,

(ii) Without distinction?

(b) How many of those successful had been engaged on shorthand reporting work or duties for Government, and what are the particulars of such duties?

(c) What is the remuneration paid to such qualified stenographers?

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Answer:—
The Hon. the Financial Secretary:
 (a) and (b) The information required is given in the statement below:—

Name and Rank.	Department.	Pass obtained.	Particulars of shorthand reporting work performed.	Remuneration paid.
1928. E. O. Daniel, 1st Class Clerk	Nigerian Secretariat (now Nigerian Railway)	Distinction. Obtained ordinary pass in 1927)	Dictation for official correspondence; reported (a) Legislative Council Debates. (b) Cocoa Meeting at Government House. (c) Conference of Yoruba Chiefs at Ife.	Salary £220 per annum; (scale £140-10-220). Special remuneration: (a) £3 10s. 0d. (b) £0 10s. 0d. (c) £0 16s. 8d.
1930. S. R. B. Onabanjo, 1st Class Clerk	Accountant-General's	Ordinary	Nil	Salary £220 per annum; (scale £140-10-220).
L. A. O. Taylor, 1st Class Clerk	Forestry	do.	Dictation for official correspondence	Salary £140 per annum; (scale £140-10-220).
R. Carey, 1st Class Clerk	Nigerian Railway (now Director of Transport's Office)	do.	Reported meeting between Heads of Railway Departments and General Manager; dictation for official correspondence and notes of inspection before transferred to Director of Transport's Office in 1937	Salary £220 per annum; (scale £140-10-220).
1932. J. W. L. Zwennes, 2nd Class Clerk	Provincial Administration, Southern Provinces	Ordinary	When stationed at Ijebu Ode, undertook dictation for official correspondence and reported monthly meetings between Resident, District Officer, the Awujale and Chiefs Not employed on shorthand reporting work in present station (Calabar)	Salary £152 per annum; (scale £80-8-128; and £136-8-152).
P. B. Anthony, 1st Class Clerk	Nigerian Railway ...	do.	Performed shorthand duties for a few years after qualification. Not now so employed	Salary £220 per annum; (scale £140-10-220).

Name and Rank.	Department.	Pass obtained.	Particulars of shorthand reporting work performed.	Remuneration paid.
1934.				
O. Ogunwomoju (now Coker), 2nd Class Clerk	Geological Survey (now Audit)	Distinction ...	Dictation for official correspondence	Salary £78 per annum ; (scale £42-6-78 ; and £88-8-128).
St. G. Ibim, 3rd Class Clerk	Provincial Administration	do. ...	Occasionally employed reporting meetings with Chiefs of Degema Division, resigned in 1936	Salary £42 per annum ; (scale £36-6-72).
U. E. Okokon, 1st Class Clerk	Police (now Nigerian Railway)	Ordinary ...	Dictation for official correspondence, etc.	Salary £150 per annum ; (scale £140-10-220).
R. S. Johnson, 2nd Class Clerk	Nigerian Railway ...	do. ...	do. do. do.	Salary £120 per annum ; (scale £48-6-78 ; £88-8-128).
S. A. Ajanaku, 2nd Class Clerk	Treasury (now Nigerian Secretariat)	do. ...	do. do. do.	Salary £128 per annum ; (scale £80-8-128).
1937.				
J. A. Tuyo, 1st Class Clerk	Nigerian Railway ...	Distinction ...	Dictation for official correspondence ; reported (a) Legislative Council Debates (b) Cocoa Meeting at Government House.	Salary £160 per annum ; (scale £140-10-220). Special remuneration : (a) £2 10s. 0d. (b) £0 10s. 0d.
W. B. Johnson, 2nd Class Clerk (non-pensionable)	Public Works ...	do. ...	Dictation for official correspondence. Services lent for reporting meetings of the Northern Provinces Board of Education held in Kaduna in December, 1938	Salary £112 per annum ; (scale £80-8-128).
L. Awe, 2nd Class Clerk	Nigerian Railway ...	do. ...	Nil ...	Salary £88 per annum ; (scale £48-6-78 ; £88-8-128).
R. Q. Allotey, 2nd Class Clerk	Provincial Administration, Southern Provinces	Ordinary ...	Dictation for official correspondence	Salary £104 per annum ; (scale £88-8-128).
R. C. Nwuga, 2nd Class Clerk	Nigeria Regiment ...	do. ...	Dictation for official correspondence	Salary £72 per annum ; (scale £42-6-78 ; £80-8-128).

(c) Every successful candidate was paid the gratuity laid down in General Order 619; £10 for an ordinary pass and £15 for a pass with distinction. No additional remuneration has been paid in the past save for special work. Provision for payment of shorthand allowances on certain conditions is however in contemplation.

The Hon. the Member for the Rivers Division (Mr. S. B. Rhodes):

3. Will Government supply the following figures:—

(a) The total number of persons sentenced to death on a charge of murder by the Supreme and Protectorate Courts during the years 1935, 1936, 1937 and 1938?

(b) The total number of persons whose death sentences were commuted to terms of imprisonment by the Governor in Council for the above periods?

(c) The total number of persons whose death sentences were quashed by the Court of Appeal and a judgment of acquittal and discharge registered in their favour for the above periods?

Answer:—

The Hon. the Chief Secretary to the Government:

(a)	1935	...	...	...	61
	1936	...	...	...	94
	1937	...	...	...	158
	1938	...	...	...	83
(b)	1935	...	...	...	25
	1936	...	...	...	46
	1937	...	...	...	60
	1938	...	...	...	29
(c)	1935	...	...	...	5
	1936	...	...	...	5
	1937	...	...	...	2
	1938	...	...	...	7

The Hon. the Member for the Rivers Division (Mr. S. B. Rhodes):

4. (a) Is it a fact that when the Finger Print Department of the Nigerian Police Force decided to take the prints of all African Constables in the Force some of them disappeared?

(b) If so how many did disappear?

(c) If the above statement is not correct will Government take action to correct the report which appeared in the London *Sunday Express* of the 20th of November, 1938, on page 21 under the caption "Civilization made them crooks."

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b) Does not arise.

(c) It is not considered that it would be in the public interest or that any useful purpose would be achieved by taking the action suggested.

5. *Withdrawn.*

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

6. To ask the Honourable the Chief Secretary to the Government—

(a) Whether it is true that minerals have been discovered in Okigwi Division? And if so,

(b) To ask (i) what those minerals are, (ii) the names of applicants to whom prospecting licences have been issued.

(c) If licences have been issued to ask (i) whether the prospectors have entered into any agreement with the owners of the land?

(ii) What are the terms of the agreement?

Answer:—

The Hon. the Chief Secretary to the Government:

(a), (b) and (c) It is assumed that the Honourable Member refers to the recent reports in the press regarding the discovery of petroleum in the neighbourhood of Okigwi. An Oil Exploration Licence, for the purpose of exploring and searching for petroleum, has been issued jointly to the D'Arcy Exploration Company, Limited, and to the Shell Overseas Exploration Company, Limited. As the Honourable Member is no doubt aware, the entire property in and control of all minerals, and mineral oils, in, under and upon any lands in Nigeria is vested in the Crown by virtue of section 3 (1) of the Minerals Ordinance. The terms of the licence provide for the payment of compensation for the disturbance of surface rights and they also stipulate that the licensees shall not enter land until an officer of the Government of Nigeria has been able to explain to the natives residing in the vicinity the reason for the entry, in order to allay any anxiety which they may have as to the disturbance of their surface rights. Borings have been taken but, to date, the presence of petroleum has not been established.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

7. To ask the Honourable the Chief Secretary to the Government—

(a) What were the real causes of the recent disturbances in the Okigwi Division of Owerri Province?

(b) How many people were killed or wounded during the disturbance?

(c) How many of the victims were Government officials and how many were ordinary citizens?

(d) What specific acts of illegality were committed by those wounded or killed?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Investigation reveals the following to be the principal causes of the disturbances:—

(i) Dissensions within the Clans and dissatisfaction with the clan administrative organisation,

(ii) The circulation of disturbing rumours foremost among which was a report that Nigeria was to be handed over to Germany,

(iii) An erroneous belief that Government was not collecting any more tax,

(iv) Dissatisfaction with the low produce prices and consequent objection to payment of taxes.

(b) No one was killed during the disturbances; two persons were detained in hospital as a result of having received injuries during a baton charge; one of these, who had sustained a compound fracture of the leg through falling into a ravine, developed tetanus and died. A police officer and some 200-250 members of the crowd received minor injuries during the same baton charge.

(c) The police officer referred to was the only Government official injured; the remainder were ordinary citizens.

(d) Unlawful assembly, riot and conduct likely to cause a breach of the peace.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

8. To ask the Honourable the Director of Transport—

(a) Whether he is aware that there is appalling overcrowding in the miners' camps at Enugu?

(b) If the reply is in the affirmative to state what steps has been taken or contemplate to remove the overcrowding?

Answer:—

The Hon. the Director of Transport:

(a) and (b) It is true that there has been some overcrowding in the past. Steps are now being taken by the Staff Welfare Officer to ensure that only permanent employees and their families are housed in the camps and that there is no further overcrowding.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

9. To ask the Honourable the Director of Transport—

(a) Whether it is true that Government has decided to retrench 700 African miners in the Colliery at Enugu?

(b) Whether it is true that six new Europeans have recently been engaged for duty in the same Colliery?

(c) If the replies to (a) and (b) above are in the affirmative to state (i) how much saving it will mean to Government to retrench the 700 African miners? (ii) How much the Europeans in question will cost the Government in passages, salaries, etc.? (iii) What is the need or necessity for employing so many Europeans when the department is reducing its expenditure by the retrenchment of 700 African miners?

Answer:—

The Hon. the Director of Transport:

(a) Yes, Sir. Approximately 700 junior African employees of the Colliery were retrenched on the 31st of January, 1939, as the numbers of the employees on the books were greater by that number than are at present required for the economical and efficient working of the mine. The reduction will make it possible to prevent overcrowding in the mining camps.

(b) Yes, Sir. Four are new appointments and two are to replace casualties.

(c) (i) No direct saving is anticipated but wages and work are now more properly distributed among the remaining men and there is bound to be some indirect saving as the result of more economical working.

(ii) Each Overman will cost as follows annually:—

Salary	...	...	...	...	£400-£500
Passages	...	...	...	...	£50
Pension—approximately	...	...	...	...	£76-£95

Savings are being effected by other economies in the Colliery European staff, in 1939-40.

(iii) The necessity for increased European supervision is in the interest of safety underground and to ensure more economical working of the mine. The increase was demanded in 1937 by the men themselves and does no more than restore the figure of the pre-depression period.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

10. To ask the Honourable the Director of Education—

(a) Whether, in view of the increasing number of unemployed youths in the Eastern Provinces of Nigeria, he has considered the advisability of having technical schools in that area?

(b) Whether estimates could be submitted for the establishment of two technical schools in the area in question, stating how much Government will be prepared to contribute and how much the Native Administrations mostly concerned will be expected to contribute?

(c) Whether (i) any of the Native Administrations in the Eastern Provinces has at any time been approached on this subject?

(ii) If so, to state what is their attitude towards the proposals?

Answer:—

The Hon. the Director of Education:

(a) No, Sir, not specifically but the general question of providing facilities for technical education is being carefully considered and enquiries have been addressed to the General Manager of the Railway and to the Directors of the Public Works and Marine Departments in regard to the possibility of these services being able to accept and train apprentices over and above their own requirements.

(b) Such estimates could doubtless be prepared but in view of the foregoing and of the fact that no funds are available for the establishment of such schools it is not considered that any useful purpose would be served by preparing estimates at present.

(c) (i) No.

(ii) Does not therefore arise.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

11. To ask the Honourable the Director of Medical Services whether, in view of the high rate of maternal mortality during birth and the increase in the number of orphans resulting thereby, Government will consider providing special wards with efficient nurses in various hospitals to care for such children?

Answer:—

The Hon. the Director of Medical Services:

In one or two hospitals, e.g., Okigwi, special wards for the care of motherless infants have been provided, but the Government is unable to accept liability for the upbringing of such children and considers it better policy to provide maternity wards wherever possible in order to reduce maternal mortality.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

12. To ask the Honourable the Chief Secretary to the Government—

(a) Whether it is true that a scheme has been approved for extending the Onitsha Market and for demolishing some of the present stalls and substituting stalls of more permanent structure in their places?

(b) If the reply is in the affirmative whether (i) Government will undertake not to give the whole contract to one single firm or contractor? (ii) In accepting tenders will Government give preference to proficient African contractors residing in Onitsha Township whose tenders are economical or who have connection with Onitsha Market by reason of the proximity of the place of their business to Onitsha?

Reply not yet ready.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

13. To ask the Honourable the Chief Secretary to the Government—

(a) When a land is declared a forest reserve what compensation does the owner of the land get for trees cut from the forest after a licence has been granted to a timber contractor to and remove those trees?

(b) *Disallowed.*

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The owner receives the royalties prescribed in Schedule A to the Forestry Regulations (Regulations No. 1 of 1938), as in the case of trees felled on land outside a forest reserve.

(b) *Disallowed.*

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

14. To ask the Honourable the Chief Secretary to the Government whether it is a fact that Administrative Officers appointed to write Intelligence Reports sometimes get their information from

unauthorised and in some cases questionable private sources, and if so, whether it would not be advisable to give publicity to Intelligence Reports so as to afford opportunity of correcting erroneous information that may creep into the reports?

Answer:—

The Hon. the Chief Secretary to the Government:

No, Sir. Government is not aware that Administrative Officers appointed to write Intelligence Reports obtain their information from other than reputable sources and it is considered that the scrutiny to which these Reports are subjected by the District Officer, Resident and Chief Commissioner in turn provides an adequate safeguard against the inclusion of any information which is not supported by reliable evidence. Discussion in detail with the communities affected is an essential preliminary to the writing of every such report and His Excellency the Governor will not sanction any proposals submitted unless satisfied that they are in keeping with the wishes of a majority of the community and are based on sound administrative principles. In the circumstances the Government does not consider that publication of the Reports is necessary on the grounds stated in the Honourable Member's question.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

15. To ask the Honourable the Chief Secretary to the Government—

(a) What is the total cost to the Onitsha Township of the construction of Iweka Road?

(b) Why has that road been neglected?

Reply not yet ready.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

16. To ask the Honourable the Chief Secretary to the Government—

(a) Whether it is true that in the past Postal Agents were paid £2 *per mensem*?

(b) Why that amount has now been reduced to 10s. *per mensem*?

(c) What are the duties of a Postal Agent, and what is his average monthly turn over supposed to be?

(d) Whether it is not considered that the sum of 10s. *per mensem* is too small for a person entrusted with the responsibilities of a Postal Agent?

Answer:—

The Hon. the Financial Secretary:

(a) No, Sir. Postal Agents are paid on a commission basis according to the amount of business transacted. The minimum amount is ten shillings a month,

(b) No reduction has been made in the payments to private Postal Agents. With effect from the 1st of December, 1938, the payment of allowances for this purpose to Government servants was discontinued. In April, 1937, the allowances payable to Railway officials for performing postal duties were fixed at one half of the ordinary rates with a minimum of ten shillings a month.

(c) Sales of stamps and postal orders and the handling of mails. About £15.

(d) Ten shillings a month is the minimum but as much as £3 is paid if the amount of business transacted warrants it. These payments are considered adequate for the services rendered.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

17. To ask the Honourable the Chief Secretary to the Government—

(a) What, in view of the research work done in Oji Leper Settlement, and, of the immense advantage that accrues or is likely to accrue to this country from the work of that institution, is the amount of annual contribution by the Government towards the maintenance of the Settlement, and, if no such contribution is made, why not?

(b) Whether he is aware that the Native Administration in Onitsha Province pay something in the neighbourhood of £2,000 per annum for the upkeep of the Oji Leper Settlement?

(c) Why the whole cost of maintenance is thrust solely on the Native Administration of Onitsha Province?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Government makes no fixed annual contribution to the Oji River Leper Settlement but provided a capital grant of £1,000 when it was instituted and has recently approved through the Nigerian Branch of the British Empire Leprosy Relief Association a further grant of £796.

(b) Yes, Sir. The actual amount payable in 1938-39 is £1,500 and slightly more will be required next year.

(c) Admission to the Settlement is confined to natives of the Onitsha Province. The Honourable Member has perhaps overlooked the fact that the Native Administrations contribute only towards maintenance, and pay no part of the cost of staff.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

18. To ask the Honourable the Comptroller of Customs—

(a) What quantity of stock fish was imported into Nigeria during 1938 from Norway?

(b) What its value was?

(c) How much of our exports go to Norway?

Answer:—

The Hon. the Comptroller of Customs:

(a) and (b) The quantity of stock fish imported from Norway in 1938 was 196,616 cwt. value £363,930.

(c) Nigerian exports to Norway in 1938, amounted to £7,877.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

19. To ask the Honourable the Chief Secretary to the Government—

(a) What, in view of the fact that the River Niger will be the boundary between the Eastern and the Western Administrations for the purposes of the new reorganisation, does the Government propose to do with regard to those Ibo speaking peoples such as the Ndonis and their neighbours who are on the eastern side of the Niger but for administrative reasons are included in the Warri Province?

(b) Whether the Government is aware (i) that there is a large number of Ibo speaking peoples on the western side of the River? (ii) That those people because of their affinity with the rest of the Ibo speaking peoples are anxious to be part of the Eastern Administration? (iii) What does the Government propose to do to ease their anxiety?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The River Niger is only a convenient and approximate description of the boundary between the Eastern and Western Provinces. The exact boundary will be the existing one between the Onitsha and Benin, Onitsha and Warri, and Owerri and Warri Provinces. The Ndonis and their neighbours will therefore continue to be administered within the Warri Province.

(b) (i) Yes, Sir. The Honourable Member's attention is invited to paragraph 3 of Sessional Paper No. 46 of 1937.

(ii) Government is not aware that there is any general desire on the part of the Ibo-speaking peoples of the Benin and Warri Provinces for inclusion in the administration of the Eastern Provinces.

(iii) Does not therefore arise.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

20. To ask the Honourable the Chief Secretary to the Government—

(a) What is the aim of the Native Administration system in the Eastern Provinces?

(b) Whether the Government is satisfied that in its present form the system is working satisfactorily?

(c) Whether the Government is satisfied that the present system of having so many councillors as members of Native Authorities will not retard the progress of Native Administration in the Eastern Provinces?

(d) Whether the present method of selecting members of Native Authority without reference to their qualifications will not impede the progress of the system?

(e) Whether it will not be better to aim at unification of control in the Native Authority into one hand as is the position in the Northern and in the Western Provinces but with due safeguards for the interest of the people?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) To entrust the people, through their accredited leaders and representatives, with increasing responsibility for the management of their own affairs.

(b) Yes, Sir.

(c) The composition of the Native Authorities in the Eastern Provinces is based on native custom and accords with the ascertained wishes of the people, who are determined that their Councils shall be fully representative. Government is satisfied that the present system is the best that can be devised in existing conditions. It can and doubtless will be modified where necessary in the light of experience.

(d) It is not admitted that members of the Native Authorities are selected without reference to their qualifications. They include not only those qualified by native custom but also a growing number of persons qualified by character and ability.

(e) The social organisation of the people of the Eastern Provinces as a whole does not lend itself to the political ascendancy of individuals, nor does the past history of those provinces encourage any step in the direction contemplated by the Honourable Member. Where, however, an established system of chieftainship prevails the chiefs with their advisers have been constituted Native Authorities.

The Hon. the Member for the Oyo Division (Mr. N. D. Oyerinde) :

21. To ask the Honourable the Director of Public Works—

(a) Is it a fact that a Letter of Engagement was given to Road Overseers and Assistant Road Overseers to sign one year or more after their engagement?

(b) If so, why did the department wait so long to send such a letter for acceptance or rejection by the employees in question?

(c) Is it a fact that Road Overseers and Assistant Road Overseers are not getting leave with pay, and bicycle allowance?

(d) If so, why?

(e) Whether the time has not come to do away with the addition of a bonus to the monthly pay of Road Overseers and Assistant Road Overseers by paying fixed salaries and thus eliminate the element of uncertainty in the amount received monthly and the possibility of smaller amounts being given without due explanation as to the cause of the decrease in the expected bonus?

Answer :—

The Hon. the Director of Public Works :

(a) and (b). Letters of Engagement were introduced in October, 1935, and many employees engaged before that date had one or more years service before being required to sign Letters of Engagement.

(c) No, Sir. Road Overseers and Assistant Road Overseers who are on a purely temporary basis (*i.e.*, on daily rates of pay) are not, of course, eligible for leave with pay but all who are in

(ii) The area is better served with maternity hospitals than most parts of Nigeria since the new maternity hospitals at Aba and Calabar are available for it; it is unlikely that funds can be found for the provision of another maternity hospital in the near future.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

28. In view of the high percentage of illiteracy obtaining in Ibibio Division to ask whether Government will consider the advisability of amending the existing Education Ordinance, in order to restore to the people their natural right, full freedom and liberty of opening their own schools and choosing their teachers to educate themselves and their children in their villages to the highest standard possible?

Answer:—

The Hon. the Director of Education:

No, Sir; the Ordinance in its present form allows people to open their own schools and choose their own teachers subject to certain conditions which are designed to safeguard the interests of the people themselves.

29. *Disallowed.*

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

30. To ask the Honourable the Director of Education:—

(a) Whether Nigerian Educational Certificates have won universal recognition as do certificates from educational centres in the United Kingdom? If so,

(b) With what equivalent in the United Kingdom is the Nigerian Senior Teachers' Certificate?

Answer:—

The Hon. the Director of Education:

(a) No, Sir.

(b) Does not arise.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

31. (a) Is it correct that there is a seminary established by the Methodist Mission for girls or women at Ituk Mban Village in the Uruan Clan, Uyo District? If so,

(b) What is the number of the members on the staff, and what are their names, nationalities, qualifications and salaries?

Reply not yet ready.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

32. (a) Is it correct that a student obtaining the Higher Elementary Certificate and teaching for two or more years is classified as a holder of Class VI Middle Certificate? If so,

(b) Will the Honourable the Director of Education state—

(i) Under what equivalent standard of qualification is a *qualified* student from the Uyo Elementary Training Centre classified?

- (ii) Whether that centre of education has been furnished with a printed Prospectus containing, among other educational requirements, a Syllabus of its annual course?
- (iii) What is the Prospectus like, if there is any in existence? If not,
- (iv) Why not?
- (v) What is the number of teachers on the staff, and what are their names, nationalities, qualifications and salaries?
- (vi) What is the annual expenditure, in detail, for that institution?
- (vii) Why is the educational qualification of students in that training centre limited to teaching in the Native Administration schools only?
- (viii) Whether the highest standard of education in Native Administration schools is Standard IV? And if so,
- (ix) Why cannot the standard be raised to Standard VI?

Answer :—

The Hon. the Chief Secretary to the Government:

- (a) Yes, Sir.
- (b) (i) Middle IV.
- (ii) No, Sir.
- (iii) None in existence.
- (iv) A prospectus is not considered necessary.
- (v) There are four on the staff :—
- Mr. R. Day, British. (Teacher's Diploma) £570 *per annum.*
- Mr. J. S. B. Ikpe, Nigerian (Ibibio) Higher Elementary Certificate £170 *per annum.*
- Mr. L. A. Amadi, Nigerian (Ibo) Senior Certificate £114 *per annum.*
- Mr. M. Uwakeme, Nigerian (Ibo) Higher Elementary Certificate £54 *per annum.*

- (vi) Estimated Expenditure 1938-39 :—

	£
European staff salaries and allowances	600
African do. do.	350
Clothing of students	50
Transport	12
Food	160
Maintenance of site	30
Furniture and Equipment	120
Miscellaneous	12
Practising School	150
Total	£1,484

- (vii) This is not the case. Students who qualify may teach up to Elementary Class IV in any school.

(viii) No Native Administration school has yet developed beyond Standard IV. The programme of expansion in the Warri Province envisages development up to Standard VI.

(ix) This is the aim in view for certain selected Native Administration schools.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien) :

33. In view of the fact that illiterate and unsophisticated people are recruited in the Ibibio Division for work at Calabar and other trading centres, will Government consider the advisability of introducing a system of licences which would set out in each case the nature, terms and period of employment and which would also ensure that labourers are provided with medical facilities during their period of employment and transported to their homes when it expires?

Answer:—

The Hon. the Chief Secretary to the Government :

Inclusion in the Labour Ordinance of provision for regulating and controlling the recruitment of labour is already contemplated and a bill for this purpose will be presented to the Council in the near future. The bill, which is based on a Convention drawn up by the International Labour Conference, provides—amongst other safeguards—for the medical examination of all recruited workers and their repatriation at the expense of the recruiter on the completion of their contracts.

The enactment of legislation to make written contracts of employment compulsory in certain cases is also contemplated.

The Hon. the Member for Calabar (Revd. O. Efiang) :

34. *Apropos* of Question No. 89 of the 29th of November, 1937, to ask the Honourable the Director of Education:—

(a) How many teachers in the Government schools in Nigeria, who have passed the certificate examination, are still graded as "Uncertificated Teachers"?

(b) How many of those who have passed the certificate examination and who have been promoted to the certificate grade are holding non-pensionable appointments? If any,

(c) Will Government consider the advisability of making all certificate grades pensionable?

Answer:—

The Hon. the Director of Education :

(a) Ten.

(b) None.

(c) All certificated grades are pensionable. These grades are set out in Sessional Paper No. 19 of 1935 at pages 8-10.

The Hon. the Member for Calabar (Revd. O. Efiang) :

35. (a) To ask the Honourable the Director of Education how many Government educational institutions in Nigeria give post-secondary education?

(b) Is Kaduna Government College a post-secondary institution? If so,

(c) What are the complete secondary schools in the Northern Provinces that feed Kaduna Government College? If not,

(d) Why is the personal emolument attached to the post of the Principal, Kaduna Government College, the same as that for the Principal, Yaba Higher College?

Answer:—

The Hon. the Director of Education:

(a) Two, *i.e.*, the Higher College at Yaba and the Kaduna College.

(b) Yes, Sir; it provides both secondary and post secondary education.

(c) There are no full secondary schools in the Northern Provinces; students of the College complete their secondary education at the College itself.

(d) Does not arise.

The Hon. the Member for Calabar (Revd. O. Efiang):

36. (a) To ask the Honourable the Director of Education which of the Middle Schools and Colleges in the Northern Provinces of Nigeria admit pupils whose parents are non-natives of the Northern Provinces?

(b) What is the total number of such pupils?

(c) How are they distributed among those schools and colleges?

(d) Which of the Middle Schools and Colleges of the Northern Provinces are not to admit pupils whose parents are non-natives of the Northern Provinces of Nigeria?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

37. In view of the fact that proprietors of assisted schools brought to the notice of the Honourable the Director of Education that unless there was an increase in grants in the grants-in-aid paid to the schools in 1939-40, they would not be able to award increments in salaries to their deserving teachers and in view of the fact that Government is budgetting for increments to be paid to those in the Government Service in 1939-40, what steps has Government taken to effect a reasonable increase in the grants-in-aid vote in order to be fair to the assisted school teachers who, on the whole, are not as liberally paid as the clerks in the Government Service?

Answer:—

The Hon. the Financial Secretary:

In view of the present financial situation, Government is not in a position to consider any increase in the Grants-in-Aid Vote for 1939-40.

It is to be noted, however, that although the estimates of the Education Department, as of practically all Government Departments, have been seriously reduced, the provision for Grants-in-Aid remains the same as in 1938-39.

The Hon. the Member for Calabar (Revd. O. Efiang):

38. When will the proposal that Government should pay grants-in-aid to assisted schools on the basis of 100 per cent salary bills come into effect?

Answer:—

The Hon. the Financial Secretary:

The serious financial situation precludes Government from entertaining any such proposal at present.

The Hon. the Member for Calabar (Revd. O. Efiang):

39. To ask the Honourable the Director of Education how many new Certificated Teachers, other than those promoted from the uncertificated grades, were employed by Government to teach in Government Primary Schools in (a) 1936, (b) 1937 and (c) 1938?

Answer:—

The Hon. the Director of Education:

None, Sir.

The Hon. the Member for Calabar (Revd. O. Efiang):

40. To ask the Honourable the Chief Secretary to the Government when will the Government appoint a Governing Council with unofficial majority for the Yaba Higher College, similar to that suggested by the De La Warr Commission for the proposed Higher College for the British East African Dependencies and to that for the Achimota College in the Gold Coast?

Answer:—

The Hon. the Chief Secretary to the Government:

The Honourable Member is referred to the reply given to a similar question (No. 95) at the meeting of the Legislative Council held on March, 1937, and is reminded that the Higher College is financed by Government and not, as in the case of the two Colleges mentioned by the Honourable Member, by foundation funds.

The Hon. the Member for Calabar (Revd. O. Efiang):

41. To ask if it is a fact that school boys in Asaba Division of the Benin Province pay poll tax? If so, how soon will Government abolish such taxation for school boys?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

42. (a) To ask the Honourable the Director of Education if it is a fact that the Board of Education for the Colony and Southern Provinces recommended in 1936 that Government should give an allowance for pension of teachers in the assisted schools who have given long and efficient service? If so,

(b) How soon will Government give effect to that recommendation?

Answer:—

The Hon. the Director of Education:

(a) No, Sir.

(b) Does not arise. The Honourable Member is, however, referred to the reply to question No. 25 at the meeting of this Council on the 11th of July, 1938, with reference to a proposal to inaugurate a Provident Fund for such teachers. No scheme has yet been put forward for the consideration of the Government.

The Hon. the Member for Calabar (Revd. O. Efiang):

43. (a) To ask the Honourable the Director of Education if it is a fact that Government has hitherto confined the award of British Council Scholarships to teachers in Government schools? If so,

(b) Is this one of the conditions of the scholarship? If not,

(c) Will Government consider the award of the scholarships to teachers in non-Government schools also?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

44. Is Government aware that there is grave discontent and an increasing sense of grievance among the rank and file of the Assisted School Teachers of this country as well as a strong feeling that under the present system Government responsibility to these teachers who are after all the pivot of the educational machinery is not fully discharged?

Answer:—

The Hon. the Director of Education:

Government is aware that many teachers in Assisted Schools are dissatisfied with their terms of employment, but the financial situation is such that no increase in the amount paid as grants to these schools can be contemplated at present. Government agrees however that the matter is one which should receive attention as soon as funds are available.

45. *Disallowed.*

The Hon. the Member for Calabar (Revd. O. Efiang):

46. (a) Will Government state for the information of this Council what percentages of the total public revenue were spent on Education in the last three financial years as compared with the percentages spent in the other British West African Colonies?

(b) Does such a comparison not indicate that Nigeria's educational budget is percentually the lowest while her percentage of juvenile illiteracy is about the highest?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

47. (a) Has Government since the transfer of Mr. (now the Honourable Dr.) Henry Carr from the Education Department to the Administrative Service more than twenty-five years ago appointed any African to the Inspectorate grade of the Education Department as Provincial Inspector of Schools, Superintendent of Education or Education Officer charged with the duty of supervising or assisting in the supervision of the educational work of a province?

(b) If the reply is in the negative, is it because no qualified or suitable candidates have been available for appointment?

(c) Does Government not consider it desirable in future to make an increasing use of African personnel in the appointment of Education Officers both as a matter of policy and as a means of releasing part of the amount of money on the salaries, allowances, and passage fares of European Education Officers for actual educational work?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) During the last twenty-five years, seven non-Europeans have held posts in the Department which were previously held by Europeans. Of those still in the Service two Education Officers, Mr. Green and Mr. Seriki are Africans and Natives of Nigeria, while Mr. Bowen, Lecturer at the Higher College, is of African descent.

(b) Does not arise.

(c) This is the declared policy of Government.

The Hon. the Member for Calabar (Revd. O. Efiang):

48. Is it a fact that the scales of salary proposed for Assisted School Teachers by the Board of Education are of such a nature that teachers in certain areas would not benefit by them or would actually receive lower salaries than they are at present receiving?

Answer:—

The Hon. the Director of Education:

The salary scale proposed by the Board of Education in 1937 was based on a 100 per cent Government grant towards teachers' salaries, and has therefore not yet been brought into force. It is the case that in some recent appointments by Missions, the initial salaries paid have been considerably higher than those in the proposed scale but it is unlikely that any managing body of a school would adjust the salary of any member of their staff so as to pay him at a reduced rate, even if such reduction was permissible under the proposed scale.

The Hon. the Member for Calabar (Revd. O. Efiang):

49. (a) To ask for full details in connection with a certain incident which occurred in Calabar on the 17th of January, 1939, in which it is alleged one Mr. E. H. Efiom was seriously assaulted and wounded by police constables in an attempt to arrest him?

(b) What was the crime for which it was found necessary to arrest him?

(c) What injuries did he sustain and how did he manage to sustain those injuries?

(d) What official action has since been taken in the matter?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

50. Is Government aware that Urinary Schistosomiasis commonly called Endemic Hæmaturia has for so many years been endemic at Epe and its environs?

(a) In view of the fact that effective treatment is available what steps does Government intend to take to combat this disease?

(b) And knowing that the causative organisms require water as medium of infection whether the Government does not contemplate supplying the people wholesome pipe-borne water?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Urinary Schistosomiasis has been reported from various parts of Nigeria, but does not appear to cause the amount of ill-health commonly associated with the disease elsewhere. Consequently patients seldom volunteer for treatment, facilities for which, however, are available at all Government Medical Stations. Investigation will be instituted in the Epe District to ascertain the incidence and severity of the disease in that area.

(b) While Government is strongly in favour of the provision of pipe-borne potable water supplies, it is pointed out that Schistosomiasis is contracted through washing and bathing in infested water and moreover there are other places which have more urgent claims for such supplies than Epe.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

51. Is Government aware that a substance commonly called crude tar or bitumen has long been discovered in large quantities in many parts of Ijebu Province and that one of the areas was once mined by some European firm some years ago?

(a) In view of the fact that bituminous surfacing of the Ijebu-Ibadan and Ijebu-Abeokuta roads are proceeding whether Government will not consider the advisability of obtaining supply from these local sources?

(b) Whether Government will help in the mining and purification of this crude tar for local consumption by the public in general?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

52. It is noticed that the Government has made a practice of gazetting certain stations as being under quarantine where necessary to do so for the protection of the public, but will Government consider the advisability of informing the public in such cases of the particular infectious disease raging in the area so gazetted from time to time?

Answer:—

The Hon. the Chief Secretary to the Government:

Government sees no objection to specifying the disease concerned and in future Gazette Notices the name of the particular infectious disease will be stated.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

53. In order to help in the opening up of that district and increase the present transport facilities, will Government consider the construction of a Lagos-Shagamu road as per the recommendation contained in paragraphs 54 and 55 of the Report of the Ijebu Commission of Inquiry?

Answer:—

The Hon. the Chief Secretary to the Government:

The question of the construction of the Lagos-Shagamu Road has been considered by Government and a survey has been made. Owing to the heavy bridging required and embankments over swamps which would be necessary the cost of this road estimated at approximately £100,000 is prohibitive at the present time.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

54. (a) Owing to historical and educational importance, will Government consider the publication and release to the public of the Report of the Ijebu Commission of Inquiry?

(b) If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) and (b) The Report of the Ijebu Commission of Inquiry was issued to the press in January, 1938, and was published *in extenso* in certain of the leading daily and weekly newspapers.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

55. In view of the rapid commercial growth of the Ijebu Remo Division of Ijebu Province, will Government consider the constant prayers of traders and people and extend telegraph facilities to that area?

Answer:—

The Hon. the Chief Secretary to the Government:

Yes, Sir. The provision of telegraph facilities for Shagamu has been included in the Posts and Telegraphs development programme but, owing to the limited funds available, it is not possible to say when the necessary work will be put in hand.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga) :

56. (a) Is it a fact that Government intend to standardise the scale of the stipends of Chiefs in Ijebu Province at seven per cent of the annual tax derivable from the chiefs' areas? If so,

(b) Will Government consider their important positions, the maintenance of their offices and increase the scale to twenty per cent in order to afford them a decent living?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga) :

57. Is Government aware of the action of a Police Constable, Thomas Shorunke in Ijebu Remo Division of the Ijebu Province, who at Ilishan stripped naked one Bakare Sari, ordered him to be severely beaten, causing bodily harm and ordered the wounds thus inflicted to be massaged with pepper, and ordered the man in stark nakedness to be paraded around the public streets and markets in broad daylight at Ilishan, as a result of which treatment Bakare Sari was later removed to the hospital at Ijebu Ode for medical treatment; that reports were later made to the Assistant Superintendent of Police and the Resident, Ijebu Ode, and evidence given in connection with the incident in December, 1938, in the High Court at Ijebu Ode. To ask:—

(a) What was the nature of the report made by the Medical Officer on his treatment of Bakare Sari especially when giving evidence in Court?

(b) What remarks did the Judge make in his findings particularly on the action of this policeman?

(c) Whether any police constable has justification to treat an offender so brutally and in so inhumane a manner as described above? If not,

(d) What is Government prepared to do to obviate a recurrence of so disgraceful a treatment from the hands of police officers to the members of the public?

(e) What was the step taken by the Assistant Superintendent of Police to whom this incident was reported?

Reply not yet ready.

58. *Withdrawn.*

The Hon. the Member for the Colony Division (Dr. Henry Carr, O.B.E., I.S.O., D.C.L.):

59. To ask the Honourable the Financial Secretary if a concession can be granted on behalf of Supervisors of Schools and other approved Mission Education Officers who travel on duty in station waggons, kit cars and kindred vehicles which are ordinarily classed as commercial vehicles but which are already licensed for private use, so that instead of the permit for each journey now required to be obtained by these officers from the Police there should be substituted a permit to cover all the journeys to be made by them during a period of three consecutive months.

Answer:—

The Hon. the Financial Secretary:

The concession has already been granted. The Honourable Member's attention is invited to Regulation No. 8 of the Motor Traffic Regulations No. 45 of 1933, as amended by Regulations No. 13 of 1938. Some permits have already been issued for specified periods in certain cases.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

60. In view of the 1931 Census indicating that the population of Ibibio Division was 749,645

(a) Whether Government will state from that number the approximate number of persons in each of the four classes of the population enumerated as follows:—

- (i) Illiterates?
- (ii) Moderately educated?
- (iii) Thoroughly educated? And
- (iv) Professionals? If not,

(b) Whether Government will consider the desirability of taking census to ensure and record—

- (i) The number of the population of each of the tribes in Nigeria, under the four classes of the native inhabitants enumerated under (a) above?
- (ii) The number of clans?
- (iii) The number of schools established in the area of each clan? And
- (iv) The number of pupils or students in each of the schools?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) It is regretted that figures showing the numbers of illiterate and educated persons in the Ibibio Division are not available.

(b) (i) The question whether fuller information regarding the number of literate persons in Nigeria, and the extent of their literacy, can be obtained in connection with the decennial census in 1941 is at present under consideration.

(ii), (iii) and (iv) The desirability of compiling this information will also be considered in connection with the census.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

61. Pursuant to the speech of the Honourable the Member for the Oyo Division on page 119 of the Debates of the 6th of March, 1935, to ask:

(a) Whether Government will be pleased to state what subjects relating to the science of government are taught to the sons of chiefs in the school referred to by the Honourable Member in his speech?

(b) Whether the prospectus and syllabus of that school are obtainable? If so,

(c) Where?

(d) Whether Government will consider the desirability of establishing more such schools in the other centres of Nigeria? If so,

(e) When will that be done? If not,

(f) Why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) It is assumed that the Honourable Member refers to a school at Oyo which was at one time attended exclusively by the sons of chiefs but which proved a failure and is now an ordinary Native Administration school open to boys of all classes.

(b) and (c) Do not arise.

(d) No, Sir.

(e) Does not arise.

(f) It is not considered that any useful purpose would be served by the establishment of such schools. The training which is available at established schools is considered suitable for the sons of chiefs.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

62. (a) Whether Government is aware—

(i) That between January and February, 1935, survey work was done and cement pillars put in on the lands belonging to the people of Itam Clan in Itu District, and of Oku and Offot Clans in Uyo District?

(ii) That the inhabitants of the areas in question were greatly disturbed by that interference?

(iii) That in consequence of their being so disturbed, the people opposed the work and objected to the manner in which their lands were being so dealt with?

(iv) That two letters—(1) dated 6th February, 1935, with a penny stamp fixed thereon, and (2) M.P. No. U.61 dated 28th February, 1935,—were written by (1) the Resident, Calabar Province, and (2) the Acting District Officer, Uyo, and addressed to (1) the Itam and (2) the Offot Councils, respectively, on the matter?

(v) That a police escort was engaged on that occasion against the people of Oku and Itam Clans? And

(vi) That the cost of the escort, according to the Acting District Officer Uyo's letter referred to above, was charged to the funds of the Oku and Offot Native Administrations?

(b) Whether the owners and possessors of those lands were previously constitutionally informed of the survey and putting in of the cement pillars on their lands? If so,

- (c) Whether their legal consent was obtained? If so,
- (d) How and by what means were such steps taken? If not,
- (e) Why not?

(f) In what way and by what means are the owners and possessors of those lands benefited by that survey and by the putting in of the cement pillars in such a manner?

(g) What did the Resident, Calabar Province, mean in his letter referred to above by—

- (i) Restraining the Itam people from making free use of every part of their land?
- (ii) Cautioning them against the cement pillars so put in on their land?

(h) What import or interpretation does a penny stamp fixed on in that manner at the bottom of the left side corner of the Resident's letter referred to above, within an impressive (office) stamp with inscriptions—

- “ D.O. ”, on the top,
- “ 6 Feb. 35. ”, in the middle, and
- “ ITU ”, at the bottom,

carry between the Government and the people concerned, in relation to those lands?

(i) What, in principle, is the legal position now between the Government and the Ibibio people concerned, in relation to those lands?

(j) *Apropos* paragraphs 1 to 3 of the Acting District Officer Uyo's letter referred to above—*re* the police escort:—

- (i) What peaceful and persuasive means did the Acting District Officer adopt and had these means failed him on that occasion ere he obtained the police escort on the approval of “ His Honour the Lieutenant-Governor ”?
- (ii) What was the real purpose for which the police escort was so urgently required in the circumstances?
- (iii) Why was the police escort so ready at the disposal of the Acting District Officer, Uyo, against a law-abiding people, under the circumstances?
- (iv) Why should the cost of the escort be borne by the Oku and Offot Native Administrations, in view of the fact that no constitutional policy was previously adopted to furnish the people with proper information and to obtain their legal consent before the work was commenced?
- (v) How much money was the actual cost of that escort?
- (vi) Was that cost or any part thereof actually borne by any of the Ibibio Native Administrations? If so,
- (vii) Under what Head was that cost of the police escort paid into the Revenue?

(viii) Was there any record kept of that payment? If there was,

(ix) What are the contents of that record? If such a record was not kept,

(x) Why was it not kept?

(k) Whether Government by virtue of the Laws of Nigeria, Volume IV, Page 379, Article XI of the Royal Instructions dated the 9th of December, 1922, will be pleased to consider the advisability of—

(i) Refunding to the Oku and Offot or any other Ibibio Native Administrations concerned the cost of the police escort referred to above, if such payment was actually made by them?

(ii) Removing those cement pillars from those lands and restoring unconditionally to the owners and possessors thereof unqualified enjoyment of their property?

(l) If the answer to Question 62, (k) (i) and (ii) is in the negative, for what reason or reasons is the request not granted?

(m) Whether a detailed account of the cost of that escort can be rendered, if it was otherwise defrayed? If so,

(n) From what fund was it defrayed? And

(o) What were the accounts of the cost of the escort?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

63. To ask whether Government will favourably consider the question of paying salary at £48 a year from the dates of the confirmation of their appointments, to Probationer Clerks who did not pass the Junior Clerical Service Examination owing to that examination being abolished by Government before the expiration of the period of three years allowed for passing it?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

64. Will Government kindly state the number of persons who qualified as Shorthand-typists under the scheme for the training of Shorthand-typists published in Government Gazette No. 73 of the 1st of October, 1936, how many of this number are actually employed as Shorthand-typists in Government offices, and how many have passed subsequent speed tests qualifying them for increments?

Answer:—

The Hon. the Financial Secretary:

With regard to the first two parts of the question, the Honourable Member is referred to the reply to Question No. 2 (Question No. 43 at the Meeting of the 28th of November, 1938). There has

not been time to obtain the information sought in the last part of the question; it will be furnished to the Honourable Member in due course.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

65. To ask for the number of posts of Chief Clerks and other higher appointments which were abolished in various departments of the Railway on ground of economy during the financial stringency of 1931-35, and also for the number of such posts which have been resuscitated?

In the event of any such posts not having been resuscitated, can the Honourable the General Manager of the Railway state whether the duties and responsibilities of the department or departments concerned no longer justify their resuscitation?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

66. What prospects of advancement to posts whose initial salary exceeds £300 a year exist for the African non-technical staff in the Mechanical and Civil Engineering Departments of the Railway?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

67. To ask for a comparative statement of the accepted contract prices of local foodstuffs supplied to the Hospitals and Asylums and the Prisons in the Lagos Municipal Area during the last financial year?

Are these prices published yearly in the Government Gazette? If not, why not?

Answer:—

The Hon. the Financial Secretary:

It is not possible to present a comparative statement as the contracts for the supply of foodstuffs to the Hospitals and the Prisons are given on different bases.

(i) The last tender accepted for the supply of foodstuffs to the Hospitals was for the period 1st March, 1938, to 28th February, 1939, and was published in Notice No. 249 in the Gazette of the 24th of February, 1938, to which the Honourable Member is referred for details. It will be noticed that the price is fixed for each item of the dietary scale.

(ii) The last tender accepted for the supply of food to the Lagos Prisons was at the rate of fourpence per prisoner *per diem* for the whole ration, the constituents of which are shown below. The existing contract covers the period 1st April, 1938, to 31st March,

1939. Tenders are invited by notice in the Gazette but it has not been the practice to publish the accepted tender. This will be done in future.

DAILY RATION.		DAILY BREAKFAST RATION.	
Article.	Amount.	Article.	Amount.
Farina	1 lb.	Beans	4 oz.
or		and	
Whole Maize Flour	1 lb.	Farina	2 oz.
or		or	
Yam (unpeeled) ...	2½ lb.	Whole Maize Flour	4 oz.
or		and	
Rice (unpolished) ...	1 lb.	Akara	2 oz.
Greens (without stalks)	8 oz.		
or			
Ochro (fresh)	3 oz.		
Palm Oil	1 oz.		
Salt	3 dr.		
Native Pepper	4 dr.		
Egusi	2 dr.		
Beans	1 oz.		
Fish	2 oz.		
or			
Meat	2 oz.		
Groundnuts	3 oz.		

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

68. Is it a fact that telephonists engaged before 1933 have not been allowed to exercise the option of transferring to other branches of the Service, which was given them as per paragraph 5 of the Honourable the Chief Secretary's letter No. 28715P/358 of the 12th of September, 1935? If so, why?

Reply not yet ready.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

69. To ask for a statement of the number of boys under sixteen years of age, who passed, with distinction, the First School Leaving Certificate Examination held in Lagos in November, 1938 and the reason or reasons for not awarding the scholarships for which they are eligible under the Scholarships Scheme to Middle Schools instituted in July, 1935?

Answer:—

The Hon. the Director of Education:

Three boys passed with distinction and the suitability of each for the award of a scholarship is at present under consideration.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

70. (a) To ask whether, since 1933, boys were being engaged from time to time on a five-year indenture for training as fitters in the Mechanical Department of the Railway?

(b) If so, what has been the total number of boys so engaged and how many of such boys have satisfactorily completed their period of training?

(c) Was any promise, written or verbal, made to any or all of them as to the rate of pay or salary they were to receive on the satisfactory completion of their training?

(d) If so, what was the rate of pay or salary promised and what is actually being paid at present?

Reply not yet ready.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

71. (a) Is it a fact that there are employees in the Railway Printing Press who have been in receipt of salary of £78 a year for periods varying from three to nine years? If the answer is in the affirmative,

(b) to ask for a statement of the reason or reasons why they have not been advanced to the next higher grade carrying the salary-scale of £80-8-128?

Reply not yet ready.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

72. Is it a fact that the stipend of £180 a year which Chief Dogo of Uzeba, in Benin Province, was getting as a District Head was stopped on the introduction of the Native Courts Ordinance? If so, to ask for the reason or reasons for the stoppage?

Reply not yet ready.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

73. (*Question No. 72 of the 7th of March, 1938*). Has any decision been reached on the question of providing some form of Special Allowance to cover an exceptional case of an officer who is dismissed owing to misconduct after having rendered valuable service during the bulk of his career?

Reply not yet ready.

The Hon. the Third Lagos Member (Mr. O. Alakija):

74. (a) Has it been in fact the regular policy of the Government since the introduction of the Protectorate Court Ordinance, 1933, to appoint only men who have seen administrative service in the Northern Provinces of Nigeria to the judgeship in the Northern Area on the ground that they speak Hausa language?

(b) If the answer is in the affirmative, to ask further whether other Judges in the South are not likely to serve in the Northern Area merely on the ground that they do not speak Hausa language?

(c) During the nineteen years (1914-1933) that the Supreme Court Areas in the Northern Provinces of Nigeria were so satisfactorily served, whether the Judges from the Southern Provinces who held Assizes in the Northern Provinces did so because they could speak Hausa language?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b) and (c) Do not therefore arise.

The Hon. the Third Lagos Member (Mr. O. Alakija):

75. To ask for the reason or reasons, if any, why the Police Department would not fill the posts provided in the 1938-39 Estimates, Head 26, Item 15, for Inspectors of Police in the Northern Provinces especially at this time when there is a great demand for employment in the country?

Answer:—

The Hon. the Chief Secretary to the Government:

There are at present four vacancies for Junior Inspectors in the Force, but these are not necessarily for the Northern Provinces. The filling of these vacancies has been held over pending consideration of the claims to promotion of the various candidates and the allocation of the posts within the Force. The Commissioner hopes to be in a position to make the necessary selections on return from his tour of inspection in the Northern Provinces.

The Hon. the Third Lagos Member (Mr. O. Alakija):

76. (a) Unlike the Southern Provinces of Nigeria, is the knowledge of Hausa language an indispensable qualification in order to hold any responsible appointment in the Northern Provinces?

(b) If the answer is in the affirmative, to ask why any of the native languages in the Southern Provinces of Nigeria is not a *sine qua non* to hold similar appointment in the Southern Provinces?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b) Does not therefore arise.

The Hon. the Third Lagos Member (Mr. O. Alakija):

77. To ask whether the attention of Government was directed to a communication signed by "Progress" and published in the *Nigerian Daily Times* of the 8th of September, 1938, headed "Iloro Native Court Need for Reorganisation" and if so, to ask whether Government will be graciously pleased to institute an inquiry into the alleged delay complained of with a view to remedying the defects?

Reply not yet ready.

The Hon. the Member for the Egba Division (Mr. A. Alakija):

78. (a) To ask Government whether it is true that some Europeans in Nigeria have been supplied with Gas Masks to be used in case of war emergency? If not,

(b) Is there any reason why Government should not take this precautionary measure to supply both Europeans and Africans with Gas Masks?

(c) Will Government assure the public of Nigeria that in the event of war, Nigeria is safe from air raid?

(d) If Government cannot give this assurance, will Government suggest any substitute for Gas Masks?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir. A small number of masks has however been issued to the Police rank and file to test their suitability and to ascertain the rate of deterioration in the Tropics.

(b), (c) and (d) The risk of any aerial attack on Lagos, and particularly of a gas attack, is deemed to be so small that the supply of gas masks to the populace is regarded as unnecessary. Attention is invited to an account of an interview with the Inspector-General, African Colonial Forces, which was published in the *West African Pilot* on February 2nd.

The Hon. the Member for the Egba Division (Mr. A. Alakija):

79. (a) In view of the Judgment of the Supreme Court dated the 14th of December, 1938, in the case of "ELO AIYEDUN, Chief Aromire *versus* YESUFU ORESANYA"—Suit No. 213 of 1938, is Government contemplating any measure by which the House of Docemo would be given a definite status, and the functions and duties of the White-cap and other recognised Chiefs and their obligations to the ancient House, regulated?

(b) If not, of what use are the meetings which the Commissioner of the Colony invariably holds with OBA FALOLU and some Chiefs?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

80. (a) In view of the fact that the utility of the Radio has been proved in Lagos as a useful source of entertainment and educative information, will Government contemplate extension of this modern amenity to the provinces?

(b) If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The extension of the radio distribution service to certain provincial towns has already been under consideration but funds are not at present available to proceed with the schemes.

(b) Does not arise.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

81. (a) Is Government aware that the administrative arrangements recently introduced into Idowa, West-central District of the Ijebu Ode Division of Ijebu Province, strips the Dagburewe of Idowa of several towns and villages which by ancient tradition formed part of the area under his rule?

(b) *Disallowed.*

(c) Whether in view of the decision now to constitute the Yoruba States into a separate Province, it will not be in the public interest to suspend all new proposals involving native affairs until the newly erected administrative machinery had begun to function and a more systematic and thorough inquiry had been undertaken?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Government is aware that the reorganisation of the Idowa District of the Ijebu Province which has recently been approved deprives the Dagburewe of his authority over several villages in the District. The Honourable Member is, however, mistaken in supposing that this authority had the sanction of ancient tradition. It dates from the introduction of the District Head System in 1917 and was unwelcome to the villages concerned.

(b) *Disallowed.*

(c) No, Sir.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

82. (a) Is the report true that over ninety workmen of the Nigerian Railway Foundry Shop had ceased work for over two weeks owing to some dispute with the Railway Authorities? If so,

(b) What is the nature of the dispute and has any attempt been made to meet the grievances of the men?

Reply not yet ready.

The Hon. the Member for the Rivers Division (Mr. S. B. Rhodes):

*83. (a) Is it a fact that the High Court of the Protectorate of Nigeria sitting at Port Harcourt in February, 1939, inflicted a fine of £400 against the United Africa Company, Limited, in criminal case "Comptroller of Customs *versus* United Africa Company, Limited," charged with making an untrue or incorrect statement in a Bill contrary to the Customs Ordinance?

(b) What was the total amount said to have been short-collected by the Customs Department and for what period?

(c) Who is to blame for this apparent loss of revenue and how was it detected?

Answer:—

The Hon. the Financial Secretary:

(a) Yes, Sir.

(b) £148—between April and October, 1938.

(c) (i) An African employee of the United Africa Company named Machomah. The Company was sued as the Principal. In an action taken against Machomah he was convicted and sentenced to four years and six months imprisonment with hard labour.

(ii) The loss was detected by the Senior Collector, Port Harcourt, when comparing the documents submitted by the firm in connection with a claim for refund of duty.

RESOLUTIONS.

The Hon. the Financial Secretary:

Your Excellency, I beg to move the first Resolution standing in my name on the Order of the Day:—

“ Be it resolved: That the Report of the Finance Committee
“ (Part I) which was laid on the table to-day, be
“ adopted.”

The purpose of this Resolution, Sir, is to give the authority of this Council to supplementary provision authorised by the Finance Committee since the last meeting of the Council in November.

Your Excellency, I beg to move.

The Member for the Egba Division (The Hon. A. Alakija):

I beg to second.

The resolution was adopted.

The Hon. the Financial Secretary:

Your Excellency, I beg to move the second Resolution standing in my name on the Order of the Day:—

“ Be it resolved: That the Report of the Finance Committee
“ (Part I) which was laid on the table to-day, be
“ adopted.”

This part of the Report of the Finance Committee covers awards of gratuities and retiring allowances which have been approved by Finance Committee in the same period.

Your Excellency, I beg to move.

The Member for the Egba Division (The Hon. A. Alakija):

I beg to second.

The resolution was adopted.

The Hon. the Financial Secretary:

Your Excellency, I rise to move a Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924).

Before, Sir, I proceed to explain the Resolution itself I think it is desirable that I should say a few words about the procedure which it is proposed to adopt. This Resolution and Order is frankly a measure of taxation and as such it is part and parcel of our budget, the extra taxation forming a part of that sum of £350,000 to which Your Excellency has referred. Now, a certain difficulty arises in that Members can urge with reason that they can hardly be expected to agree to the imposition of additional taxation measures before they have had an opportunity of considering the way in which the money is to be spent; nor for that matter would it be reasonable to expect them to agree to the expenditure without knowing how the money is to be raised—that is to say, it is all one issue as part of our budget. But the expenditure part of our budget is provided for by means of a Bill whereas increased duties under the Customs Ordinance are provided for by Resolution. Here an important point arises. If we leave the matter over until Members have had a full opportunity of considering the budget in detail there is a very real danger of forestalling and a consequent loss of Government revenue. To get over that difficulty, Sir, I am authorised to state that although the Resolution is now being moved it is not proposed to put the question to the House until after a full opportunity has been given to discuss the budget as a whole. By my moving the Resolution my Honourable Friend, the Comptroller of Customs, is enabled to take steps without delay to safeguard the revenue but, as I say, the question will not be put until Members have had full opportunity of considering the whole budget and in that connection Your Excellency has authorised me to add that considerable latitude will be given to Members when they proceed to debate the Appropriation Bill itself. Besides this particular Resolution there is another one in my name and there are also three Taxation Bills. Members, when they are debating the Appropriation Bill, will be at liberty to discuss the whole situation, both Resolutions and Orders and any issues involved by the other Bills.

I shall now proceed, Sir, with the details of this Resolution and Order. Members will no doubt observe that it is a complete re-enactment of the Schedule, but for the convenience of Members I have also prepared an explanatory statement which shows exactly those items which are affected by the re-enactment. Now, Sir, when the budget was in preparation it was realised, as Your Excellency has explained in your address this morning, that we had to provide extra funds. I do not propose at this stage to go into the details of the budget but I should like to explain that it was not just a question of saying "We must find £200,000 and must find one particular item which will raise that money". The whole of the tariff was reviewed. We did not have any particular sum

The Hon. the Deputy Financial Secretary:

I beg to second.

The debate was adjourned.

The Hon. the Financial Secretary:

Your Excellency, I beg to move a Resolution and Order under the Tobacco and Cigarettes Excise Duties Ordinance, 1933 (No. 23 of 1933).

With regard to the procedure, Sir, I am authorised to state that this will be the same as in the case of the Customs Resolution. The necessity for the procedure is the same except that the question of forestalling does not present the same urgency. Proceeding to the Resolution itself I would refer Members to an Ordinance which was passed as far back as 1933. Under the provisions of that Ordinance it is possible to impose an excise duty on locally manufactured cigarettes. Duties have not hitherto been imposed because it is desired to give the local industry every opportunity of establishing itself. At the same time it has been realised by the company—and there is only one company operating to any considerable extent—that excise duties might at any moment be imposed and the equity of such a duty has not been disputed. Now, Sir, the tobacco industry is a very delicate one. It is a simple matter to say that we will impose a duty on locally manufactured cigarettes but it is a matter of importance to ensure that that duty will be of such a figure that it will not give an opportunity or an incentive to pass on an even larger charge to the consumer. For that reason it is a well established practice at home where changes in the excise tobacco duty are not so uncommon to consult the industry itself before fixing the rate of duty. The same procedure has been followed here and the company who manufactures these cigarettes has co-operated with Government in fixing a rate. I do not mean to say the company themselves have welcomed it but they have seen the necessity and recognised the fairness that the industry should make a contribution to revenue though, not unnaturally, complete agreement was not reached as regards the rate. The essential feature of the duty is to ensure a reasonable contribution to the State and that the individual consumer shall not be unduly penalised. Now the amount which it is hoped will accrue from this excise duty is £20,000. It is hoped that the consumer will not be called upon to pay anything more for his cigarettes. I don't mean to suggest, Sir, that the company are philanthropists who will pay the whole of the tax but there are various methods of adjustment.

It may be possible to produce cigarettes of a slightly different size or to increase the quantity of locally grown tobacco which does not bear the heavy duty which the imported article does. At any rate I am confident that the cigarettes will be retailed to the consumer at the same rate as at present. The cigarette primarily concerned is that which sells at four a penny which is not a very high price for a cigarette. The company have for some years been building up their industry and it must be borne in mind that as large importers of European made cigarettes they are at considerable pains to ensure that the local article does not unduly compete with the article which they themselves import. Consequently, I believe that it is not an easy matter to purchase these four a penny cigarettes in Lagos. I mention that in case as a result of the Resolution of Government under the Customs Ordinance my Honourable Friends think of changing over from the imported article to the local article. I am given to understand that they are available a little distance up-country and I have every hope that the price of those will not be affected.

Honourable Members will notice that the Resolution includes two categories. In the first item it is no more than a safeguard. At the moment no such cigarettes are manufactured but it is quite possible that they may be. Similarly it will be noticed that there is no provision for cigarettes containing more than fifty-five per cent of locally grown tobacco. The reason for that is that such cigarettes are not at present manufactured. It is not unlikely that the company will gradually extend their business and they may put on the market a cigarette which retails at five or six a penny. Should that be the case I am sure it will be agreed that it is more than reasonable for the company to have an opportunity of building up a new market but the company in its turn fully realise that Government retains the right to impose an excise duty on any such new brands that may be introduced. At the moment it is the four a penny cigarette only which is affected. I would add, Sir, that the method of collection has been very carefully considered and throughout I have been given the cordial co-operation of the company manufacturing the cigarette and there is no reason to anticipate any difficulties. I am confident that this measure will produce revenue approximately to £20,000 and at the same time will not involve hardship on the individual consumer.

Sir, I beg to move.

The Hon. the Comptroller of Customs:

I beg to second.

The debate was adjourned.

BILLS.

(First Readings.)

THE 1939-40 APPROPRIATION ORDINANCE, 1939.

The Hon. the Financial Secretary:

Sir, I rise to move the first reading of a Bill entitled "An Ordinance to appropriate the sum of Nine Million One Hundred and Forty-Eight Thousand Three Hundred and Eighty-one Pounds to the Service of the year ending on the Thirty-First Day of March, One Thousand Nine Hundred and Forty".

As Your Excellency has outlined in your address it is not a very cheerful task which lies before me. Last year was not so cheerful as the year before but this year, I am afraid, we have gone a long way further. In the first place, I would like to give a brief review of the financial position for the current year. Honourable Members will doubtless recollect that a year ago when I moved the Appropriation Bill for the current year doubts were expressed as to whether in fact the estimates of revenue would be realised. At the time I explained that I myself had some doubts but that I thought the estimates were not unreasonable. At the same time Government fully realised that the position might deteriorate and steps had already been taken to ensure that if the position got very much worse we should impose further economies. Now, Sir, although my Honourable friends on the other side, and in particular the Commercial Member for Lagos, have proved to be right in saying that the estimate of revenue would be considerably lower, I am sure that they would agree with me that none of us could have foreseen the actual fall that has taken place. We have reached a stage when it is no longer possible to talk about a temporary depression. I myself am an optimist but I am afraid I cannot urge that it is only a temporary matter; once more we are growing accustomed to such phrases as "economic blizzard" and "catastrophic fall in prices" which became so unpleasantly familiar during the great depression of 1930-1933. When it became apparent at the beginning of the year that the original estimate of revenue would not be realised stern measures were taken to effect economies. It was realised that these steps would not be sufficient to offset the fall in revenue but it was hoped that the position at the end of the year would not be very much worse, but month after month the position has got worse. Serious restrictions have been put on all items of expenditure. Applications for supplementary provision have been treated with a measure of severity which I am afraid must make my office, and myself in particular, distinctly unpopular and I might mention, Sir, that although for a number of years the total of our supplementary

expenditure has been in the neighbourhood of £1,000,000, for the current year, it is less than £200,000 after allowing for savings; and more than half of that sum is in respect of revotes and accounting adjustments. In spite of these measures, however, the deficit has grown and grown and the latest indications are that including the amount which we shall be finding for the time being for railway capital works it will be £1,050,000. That is a very heavy sum, but I should like at the same time to mention certain items of expenditure which go to make that up. Our expenditure during the year on the Supplementary Sinking Fund amounts to £260,000, on Special and Extraordinary to £550,000 and on Railway and Capital Works to £120,000. Therefore the deficit on recurrent account is roughly £100,000. At the same time I think it is only right that I should mention that even in the last few weeks the position has been getting a little worse. I hope that the financial statement which has been put before Members to-day will represent what actually transpires by the end of the year but the possibility that our balances may be even lower cannot be ignored though I can say at this stage the difference would not be a very large one.

Now, I would like to refer to the balance sheet which appears on page 3 of the estimates. I do not wish to bother Members with any particular details but I do wish to draw attention to the fact that of the assets shown in that balance sheet everyone is a real one. Naturally, there is always a possibility of minor adjustments. (I am quoting the balance sheet of the 30th of September although we have a later balance sheet.) In that balance sheet there appears a surplus of assets over liabilities of £2,000,000. The point I wish to stress is that that surplus is a real one and if called upon we can produce liquid cash to the extent of the amount shown in the latest available balance sheet. So much Sir, in regard to the position for the current year.

I turn now to the budget for the next year. Members may not perhaps be aware that consideration of the following year's budget has to be started at a very early date. It was as long ago as last June that I started to think out the budget for 1939-40 and when I made that preliminary review I was faced with the immediate issue that we should be £600,000 to the bad, that is to say, I felt that we must budget for a drop in revenue of £300,000 (which is precisely the figure mentioned by my Honourable friend the Commercial Member for Lagos at the budget meeting last year) and in addition there was the £300,000 which we were deliberately withdrawing from our surplus balances. Unless, therefore, we were justified in continuing with a draft on our surplus we had to find £600,000 to present a balance. It seemed a rather difficult task at the time but looking back on it now that the position is so

much worse I am impressed by the simplicity of it. In the first place we decided that we could obviously make a reduction in the amount of our contribution to the Supplementary Sinking Fund. That fund is essentially one to be built up in times of prosperity. When we come to lean times, as Your Excellency observed in your address this morning, it creates less damage to reduce the amount of that contribution than to curtail services. That provided quite a large share of the amount that had to be found. Special expenditure was also another item which could be reduced without any great harm. In addition we had in mind one measure of taxation which had been under consideration for some time. With these and naturally a certain number of minor changes it looked as though we could find a balanced budget without any serious difficulty. By September I felt that we must reckon on a further fall of revenue of £100,000. By December the position had worsened and my estimate of the fall in revenue was £850,000. which meant that to secure a balanced budget we had to effect reductions in expenditure totalling £1,150,000. I have already referred, Sir, to the reductions in expenditure which were fairly simple. Then it became a question of going a good deal further. The Supplementary Sinking Fund was not merely cut in half but virtually washed out leaving only a nominal sum to ensure that we should not forget it altogether. Special expenditure was similarly pruned. Public Works Extraordinary expenditure has been cut down leaving no more than sufficient to clear up the programme already actually started or to which Government is definitely committed. Recurrent expenditure also came under the axe though it is not possible to make reductions there with the same facility as with Extraordinary and Special expenditure. In the first place it must not be forgotten that a large share of our expenditure is of an irreducible nature. We cannot cut our expenditure on the statutory provision for public debts. We cannot cut our pensions. Even the ordinary expenses of administration and preservation of law and order are not susceptible to easy reduction. Social services are perhaps easier to reduce but I think Honourable Members will share the general conclusion that easiness should not be the criterion. After making the reductions to which I have already referred and after providing for the irreducible items it became a question of allocating to the various departments such sums as could be regarded as absolutely necessary having regard to the funds available and to the needs of the country as a whole. It was not a question of whether one particular service was necessary or desirable. It was a question of how much money could be afforded. Departments were given a ration and it was left to them to suggest how the amount available could best be spent. But after all the pruning we were still

left with a gap of nearly £500,000 and it was necessary to consider how that gap could be bridged. We could of course have drawn the amount from our surplus balances. Those balances are still sufficient; we have still roughly £1,750,000 and we could draw half a million but with the present outlook it was not considered justifiable to make such a heavy inroad on our reserves. As it is, although every care has been taken to frame the revenue estimates on a conservative basis there is still a possibility that the position may deteriorate and that we may not actually get as much as we have provided for. Consequently, we could not afford to take the additional risk of drawing further on our surplus balances. Nor is it possible to make further reductions of expenditure save by very drastic curtailment of services. That being the case, there was no alternative but to consider new revenue proposals. One of those proposals is one which has been under consideration for some time. I refer to the Companies' Tax details of which will be given when I move the first reading of that Bill. Now, I understand, Sir, that public opinion definitely expected extra taxation. I hope they will have been pleased by the details of the Customs Resolution and I hope that they will not feel that the other revenue proposals are excessive. The Companies' Tax, the excise duty on tobacco and the extension of income tax are not crisis measures. They are all measures which could have been introduced years ago. In particular the Companies' Tax is one on which I think I shall have a large measure of agreement. These revenue proposals will, it is estimated, bring in £350,000 and that still leaves us with a gap of over £100,000. That is an amount which I feel we can reasonably draw from our balances. With regard to the alternative of imposing further taxation measures or of reducing expenditure by the curtailment of service, I do not think either of those alternatives will appeal to Honourable Members any more than they appeal to Your Excellency.

I must also refer briefly to the outlook for the Railway. As recently as two weeks ago it was anticipated that although the Railway finances for the current year would show a very much heavier deficit than was anticipated when the budget was framed, nevertheless there would remain a margin in the Reserve Fund and that margin would be sufficient to bear the deficit anticipated for next year. In those last few weeks, I might almost say last few days, the position has changed very much for the worse. I am now informed by my Honourable friend the General Manager that the Railway financial position will be approximately £170,000 worse than when these Estimates were printed. That, Sir, comes as a sad blow but, as Your Excellency pointed out in reviewing the Railway position, if we look at it the other way we should not be too greatly perturbed.

I will turn now to a very brief examination of the details of revenue. I do not propose to go into any considerable detail because that will be done when the Estimates are under consideration in Finance Committee but I should like to emphasise the fact that in general the Estimates of revenue for next year are very similar to the revised Estimates for the current year. In a few cases they are higher but there is a very definite reason—for instance, electricity and water supplies. The commercial activities of Government will, as a natural result of expansion which has taken place during the current year, be producing more revenue. But except for a few items like that the position is that we are budgeting next year on the basis that we can expect to collect much the same as we shall collect this year. If we take out the items of new revenue, £350,000 the total for next year is about £5,800,000 whilst the revised figure for this year is £5,678,000. There are of necessity a certain number of items which are self-balancing which tend to swell the total but in general the assumption has been that next year will be no worse than the current year. I hope it will be better but the outlook is too nebulous for us to justify basing our budget on an expectation of better revenue. On the expenditure side again the details will be considered in Finance Committee and I think there is very little I need say; but in general the amounts provided for expenditure are not less than the amounts actually spent for the years 1937-38 and I think, Sir, that point may not perhaps be generally realised. There is perhaps a tendency on looking through these Estimates to compare them with the Estimates for the previous year but when it is noticed that the amounts provided for next year are practically the same as the actual expenditure for 1937-38 I think it will be agreed that departments on the whole are not doing so badly. It must be remembered also that we are maintaining our contributions to the Renewals Funds. On the grounds of expediency we might perhaps have cut those out but I should be very sorry to see that done. I think that the contributions to Renewals Funds are just as much a part of our liability as any other definite cash expenditure so that when the time comes when we have to renew a ship or an engine (for electricity—not for the Railway) the money is there. We shall not suddenly be faced with the necessity of finding half a million pounds to renew an asset which has been steadily depreciating over a period of years. Finally, Sir, I feel I cannot close without saying once more that our reserves are in a satisfactory state. I do not mean to say that they are satisfactory in amount but that we can congratulate ourselves that every one of our reserves is real. We have a Supplementary Sinking Fund, we have Renewals Funds and we have the Special Reserve; and our surplus balance is a real one. It is not a budget on which I can look with great pleasure but I feel, Sir, that bearing in mind the

general conditions of trade throughout the world it is one in regard to which the country may well feel we are spending such money as we have to the best advantage.

Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

The Hon. the Financial Secretary:

I beg to give notice that at a later stage of this Session I shall move the second reading of this Bill.

THE COLONY TAXATION (AMENDMENT) ORDINANCE, 1939.

The Hon. the Financial Secretary:

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance to amend the Colony Taxation Ordinance, 1937".

The reasons which have led up to this Bill, Sir, have already been explained. It is a measure of taxation and one which we anticipate will bring in approximately a sum of £10,000. There are two main principles concerned. The first is the increase in the standard rate from one per cent to one and a half per cent and again I must express the hope that that will come as a pleasant surprise to some people. I have heard rumours that income tax will be raised. I heard various rates of tax suggested. They have gone as high as ten per cent. In no case have I heard anything so meagre as one and a half per cent. The other principle is an extension of the application of income tax. It came as a surprise to me to find that the payment of income tax was limited to residents in Nigeria. In other dependencies in which I have served where there is income tax, it is always applicable to income derived from or accruing in the country and I don't think that anyone can quarrel with the extension of the application of our law in the same direction. I have even heard of cases where people have left the country one, or even two, months after the beginning of the financial year and, not having been assessed before they left, they have avoided liability to tax. Those cases may be exceptional but nevertheless I feel sure Honourable Members will agree with me that it is no more than fair that anyone who is receiving an income from this country should pay his contribution to the State Exchequer. This measure will extend income tax liability to pensioners and to anyone drawing any income whatsoever from this country whether he is resident here or elsewhere. But it must not be imagined that that necessarily implies an increased liability to

relief from double taxation is limited in the United Kingdom to half the full amount. If we imposed a rate of more than 2s. 9d. in the pound it would mean that the companies would have to pay a certain amount of double taxation but at 2s. 6d. this question will not arise so long as the United Kingdom rate is not less than 5s.

When I first had occasion to consider this tax the revenue figure contemplated was very much higher than that which is now estimated. I have seen a certain amount of correspondence in the press advocating such a tax and I am hoping it will be recognised as reasonably equitable, although no tax can be expected to be popular. In the correspondence to which I have referred I have seen it suggested that a rate of one shilling in the pound would produce £100,000. Well, it may be that on occasion companies operating in Nigeria have made such profits as would produce this amount but we have not felt justified in budgeting on that basis. We have assumed almost exactly half that figure. For 2s. 6d. in the pound we are hoping that £120,000 will accrue. As I say, I do not think the fairness of this measure will be disputed and I commend the Bill to Council.

Sir, I beg to move.

The Hon. the Deputy Financial Secretary:

I beg to second.

Bill read a first time.

THE TOBACCO AND CIGARETTES EXCISE DUTIES (AMENDMENT)
ORDINANCE, 1939.

The Hon. the Financial Secretary:

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance to amend the Tobacco and Cigarettes Excise Duties Ordinance, 1933".

This Bill, Sir, is fully explained in the Objects and Reasons. It is no more than correcting a clerical error.

Your Excellency, I beg to move.

The Hon. the Deputy Financial Secretary:

I beg to second.

Bill read a first time.

THE GOVERNMENT SERVANTS' PROVIDENT FUND ORDINANCE, 1939.

The Hon. the Deputy Financial Secretary:

Your Excellency, I beg to ask permission for the withdrawal of the Bill standing in my name entitled "An Ordinance to establish a Provident Fund for certain non-pensionable servants of the Government".

Since this Bill was drafted, unfortunately, a number of points have arisen requiring further consideration concerning references to other Ordinances within the Bill and as regards some details of the Bill itself. The basic principle, however, on which the Ordinance is founded are unaffected and with Your Excellency's permission I would like to give an assurance that the policy of Government is to legislate at the earliest opportunity for the inauguration of a Provident Fund for its non-pensionable servants. The withdrawal for which I ask permission is unlikely to be anything more than a temporary measure and it is to be hoped that the difficulties encountered will very soon be overcome. May I take this opportunity, Sir, while the matter is before the Council, of giving a very brief exposition of the terms of Provident Fund Service and its relation to the other terms of service of Government servants in the Civil Service. The general terms of the whole of the Nigerian Civil Service have recently been under extensive review. The clerical and technical services salary scales have been revised; there has also been a revision of European staff salaries involving a reduction in the pensions constant from 1/40ths to 1/50ths; and the details of the terms of appointment and the salary scales of the higher and superior appointments of locally recruited staff are under examination in consultation with the other West African Governments. A decision is shortly expected. This general review of the terms of service of the Civil Service is not limited to the pensionable establishment, however, and there remains the subordinate staff whose case also calls for consideration. I think it is generally agreed that the existing rules for payment of *ex-gratia* gratuities on retirement to employees are not altogether satisfactory. They have proved difficult to administer in the past, and there is the opinion, especially amongst members of the Finance Committee, that the amounts awarded often seem small rewards for long service. It is particularly for this class of employee that the Provident Fund is intended. The general terms are a charge of contribution of five per cent of the salary of those employees who are continuously employed on fixed monthly rates at a salary of £2 or more monthly, to be deducted at the source and for every contribution thus made to the Fund Government will add an equivalent bonus. The whole accumulates at compound interest at rates to be determined annually, and the

total amount standing to an individual's credit is payable to him on retirement or on leaving the service with the permission of Government. The last provision "leaving the service with the permission of Government" is an important one, and is of great value both to the employer and to the employee. It lends elasticity to Provident Fund terms and gives them an advantage over pensions and gratuities.

Take, for example, an artisan who has qualified in his trade under Government service for a number of year and who may feel inclined to start in business on his own. He is able to do so with assurance, whereas I think any man would hesitate to take such a step were he pensionable.

There is another aspect of Provident Fund Service which it is important should be stated. The bonus which Government adds to depositors' accounts, and which is provided for in the Estimates from year to year, represents the amount of assistance which Government is prepared to grant to the employee if he leaves the service for any cause, or to his dependants in the event of his death in the service. The Provident Fund is complete in itself, therefore, and no other provision is necessary for the superannuation of employees, or in the event of their dying in the service.

Your Excellency, with this brief exposition and with your permission, I beg to move that the Bill be withdrawn, and in doing so, once again to give an assurance that it is the policy of Government to proceed with legislation for a Provident Fund at the earliest possible date, when the difficulties which I have mentioned have been overcome.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

The Bill was withdrawn.

THE POLICE (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Police Ordinance, 1930," be read a first time. This Bill, as Honourable Members will see, is a very brief one; it is put before this Council to achieve two objects. The first of these is to put within the section containing the list of officers who compose the Police Force the new class of officers—cadets, and secondly to remove the term "assistant superintendents" in the particular case where that term no longer represents the holder

of the office which to-day is known by the same name. Honourable Members will wonder how it is that the same office has been mentioned twice in the same section. It is because in the course of the years which have passed since the Ordinance was framed there has come into being a Colonial Police Service and under that service titles have been changed. Those titles, as Honourable Members know, can be changed by Order in Council. That in fact has been done by Order in Council No. 14 of 1937. When one opens a volume of the laws to-day and sees a reference to Inspector-General and Superintendents one has to do a certain amount of mental gymnastics to know that Commissioner of Police is meant by Inspector-General and that the term "superintendents" no longer means what it did. Then again as the law stands there is a reference in that section to "assistant superintendents" but according to the Change of Titles Order in Council the assistant superintendent is somebody else. This Bill therefore will also remove from section 5 a term which is now out of use in that it no longer represents the particular office it once represented.

Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE ADMINISTRATOR-GENERAL'S (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Administrator-General's Ordinance, 1938," be read a first time. When this Ordinance was passed last year provision was made to the effect that funds in the hands of the Administrator-General, not required for immediate use, should be placed in a Bank, the Bank to be specified. The change now introduced by this Bill provides that if the funds are sufficiently large they should be invested in securities. Clause 3 is a consequential amendment in view of the amendment proposed in clause 2 of the Bill. Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE IMMIGRATION RESTRICTION ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that "An Ordinance to impose Restrictions on Immigrants" be read a first time. This Ordinance, Sir, as Honourable Members will see if they turn to the last section consolidates nine existing Ordinances—the original Immigration Ordinance and eight amending Ordinances passed since the date the original Ordinance was passed. There are certain other changes embodied in the Bill and I think I should mention them to clear the air. One of the principal changes, and which is very necessary, is that the Bill applies to people arriving by air. When the original law was passed air transport had not reached this part of the world and there was naturally no provision made for it. The amendments in consequence of air transport Sir, have necessitated variations in clauses 2, 4 (a), 5, 6, 14 (2) and 16 and clauses which also cover air transport apply to persons arriving by any way other than by sea. One of the departures of the Bill from the existing law is that by clause 6 the provisions of that clause apply now to all persons arriving as passengers in Nigeria. Up to date it applies only to non-natives. I think everyone will appreciate that it is important in these days for the Immigration Authorities to be aware of the arrival of all passengers into Nigeria. The law now provides that non-natives should get authority from the Immigration Authorities before disembarking and it is well that natives should also have to get authority. There are also one or two other new provisions Sir, in the Bill I think I should draw attention to; one very important provision is that in clause 4 (e) on page 2. Honourable Members will see if they refer to the Bill that it does not apply to natives of Nigeria. In other words, natives of Nigeria are not going to be treated as immigrants. When the original law was passed—I think about 1917 it did not specifically exclude any person by virtue of his being a native of Nigeria. Those provisions were added subsequently but we are now going further and that privilege is to be extended to people considered to be natives of the country as a result of naturalisation. They may be naturalised either under the Imperial legislation of 1914, in which case a certificate is given to them by the Governor or under the Local Ordinance. If a man is actually naturalised, when in Nigeria he is deemed for the purpose of this Ordinance to be a native of Nigeria.

Clause 8 on page 5 has been extended to apply to all persons other than those arriving by sea and that will include persons arriving by air, which is necessary in these times.

The next point to which I wish to draw attention is clause 11 (c); this is new in that the law provides at present a fixed period of eighteen months and it has been considered that this time is not sufficiently long because some people come to this country on agreement to serve for more than eighteen months and the authorities wish to keep in touch with such persons after the eighteen month period has expired. For that reason the provisions have been changed and no fixed period been given but the Immigration Officer has been given authority to allow such persons to remain on the conditions set out in the law.

Clause 13 also contains a departure in principle and that is that as the law stands at present, the Court before which certain persons are brought can after conviction make a deportation order and that order is confirmed by the Governor in Council. The law is now changed and in effect the Court only makes a recommendation for the consideration of the Governor. In other words, the Court makes no deportation order; it only makes a recommendation.

Another change of importance Sir, but only of practical politics, is in clause 16. As the law stands at present when a man is to be deported he is to be taken—in the words of the Ordinance—“ to a port in the United Kingdom or in or near such immigrant’s “ country of birth ”. This provision frequently involves difficulty as there may be no port relatively near the deportee’s country of birth; in the words of the clause in this Bill, such person may be taken to “ to a place outside Nigeria ” and with each particular case can now be dealt with according to its particular circumstances.

As I remarked before this is a consolidating Ordinance. There are of course certain minor differences throughout the Bill but they are all based on the same principles.

I will have later to move one or two amendments to the Bill. With these remarks Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE DEPORTATION ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled “ An Ordinance to Regulate the Deportation of Undesirable Persons and for Similar Purposes ” be read a first time. I think I ought to mention in moving this Bill, that there is practically nothing

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Criminal Code Ordinance" be read a first time. This amendment Sir, is a reproduction of part of the section which I read to Honourable Members just now and refers to the fact that instead of making a deportation order Your Excellency, if you so desire, can make a restriction or security order. Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE CORONERS' (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Coroners' Ordinance" be read a first time. Honourable Members will see from the Objects and Reasons therein that there is a certain anomaly in law by which a Government Medical Officer is given one guinea in one case and two guineas in another case for performing almost identical duties. The object of this Bill is to remove the anomaly and make it one guinea in both cases.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE PRISONS (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Prisons Ordinance" be read a first time. The object of this Bill is fully explained in the "Objects and Reasons". It is simply to enable Your Excellency to authorise the imprisonment in a Native Administration prison of persons ordered to be imprisoned by the Supreme Court, the High Court or a Magistrate's Court. Now the converse powers exist but there is no provision for the imprisonment of Government prisoners in Native Administration prisons. Under the new re-organisation of prisons the Native Administration prisons will be inspected by

Government officers who will report on them and Your Excellency can thus assure that the general administration of Native Administration prisons will be such that prisoners can with safety be transferred to them from the smaller prisons which will be closed if this Bill goes through. Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE STAMP DUTIES ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to provide for the levying of Stamp Duties in certain cases" be read a first time. This Bill Sir, which in print runs to nearly eighty-eight pages is not only a consolidating Ordinance but it also contains many provisions new to the Stamp law of Nigeria. I should explain Sir, that in bringing this Bill before the House there is no intention on the part of the Government to increase the rate of stamp duties and for that matter also no intention of decreasing it. Our own Stamp Duty Ordinance (Chapter 126) is woefully deficient in many things. Documents often come before the Commissioners which bear no known recognition to any particular document referred to in that Ordinance. The Commissioners have in practice given what they think is the right classification of such documents and we find that where one document is assessed at five shillings by one Commissioner we find that same document assessed by another Commissioner at ten shillings or even one pound. If we can make our legislation sufficiently clear so that members of the public may know what duty is due it will be reducing a great amount of work and, I may say, unnecessary work. That Sir, has been the objective aimed at in the preparation of this legislation. It was not an easy thing to achieve because as Honourable Members will see in the margin of the first page of the Bill there is in black type in the margin the words "54 & 55 Vict. c. 59." I think this marginal note should be of interest to Honourable Members because it shows that the parent Ordinance from which this Bill was drafted is the Stamp Act of 1891 in England. That Act has been amended almost annually. There have been various Revenue and Finance Acts but this Bill represents the law as it stands to-day with all these amendments incorporated. To get the value of the decisions of the Courts to assist us Honourable Members will see in the margin under each marginal note there is a reference; that is a reference to the Act or statutory provision from which that section has been drafted.

Those notes should prove of assistance to anyone having to deal with the Bill in a practical manner. I said before Sir, that this Bill does not increase stamp duties. It also does not decrease them. But there are one or two slight differences in this Bill from the actual provisions of the Stamps Legislation in England and with your leave Sir, I will give Council a brief summary of what these differences are. I will now refer in detail to the major differences.

The first point to be remembered is that in Nigeria our system of stamping documents in many cases is to impress a stamp on a document after execution. That Sir, is contrary to the general principles of stamping law in nearly every country. It is the custom in certain places for blank documents to be purchased with embossed stamps on them and one of the advantages of that system is that people have not got to find the amount of stamp duty. There is also a provision in England that certain documents must be stamped within three days. In Nigeria on account of the difficulties of transport forty days grace is given to enable people in out of the way places to get to a Commissioner. Where for any reason permission has to be given before a document is stamped as in the case of Certificates of Occupancy the period of forty days dates from the day approval is given.

A new provision in Nigeria—but not in principle—is in clause 6 where it provides that the Governor can order new dies of a certain type. If a stamp die is lost it will be necessary for the die to be changed. *E.g.*, assume that a 10s. 6d. die is lost; if it is not changed the person having it can stamp as many documents as he wishes all at 10s. 6d. each. It is on account of this section that we will have to amend our Stamps (Demonetisation) Ordinance which is the next Bill on the order of the day.

Clauses 14-16 refer to adjudication by a Commissioner and provide that a fee shall be paid on such adjudication. Honourable Members will, perhaps, be surprised to hear this but they cannot imagine the amount of time that is wasted by people coming to have documents adjudicated documents involving at times only the payment of a penny or two in stamp duty. That is the main reason why a fee is to be charged and it is hoped that gradually this habit of bringing all sorts of documents to be assessed will be stopped.

There are cases where Commissioners' certificates are necessary under the Ordinance and in those cases those certificates are furnished free.

While on this point Sir, I should add that some persons go round the different Commissioners with the same document to find where they can get the least assessment. It is provided in the Bill that it is an offence to stamp a document other than in accordance with

the decision of the first Commissioner approached. The decision of one Commissioner cannot be varied except by a Law Officer or a Crown Counsel. The object is to stop this flitting from pillar to post.

One other little point in this connection to which my attention was drawn is the Board of Trade in another Colony. There is a provision that if the Court finds that a man is under-assessed he can be ordered to pay the difference. That did not exist. Before it only proved that if he was over-assessed he could be given a refund.

In clause 22 (1) you will notice that the Governor is empowered to decrease the time allowed for stamping from forty days by Order in Council in any case where it is not necessary for all that time to be allowed. That has been made necessary to check the practice of moneylenders in Lagos who have been in the habit of making loans to Government employees. Aware, that if the document is assessed it may get to the ears of Government and so jeopardise the borrower and the moneylender, they have evolved the idea of signing a promissory note against the next pay day and then the debtor pays whatever he can and executes another note against the next pay day all on unstamped promissory notes. In this way the revenue is being defrauded and the period of forty days is used for this purpose.

Under those circumstances the Governor in Council can reduce that time from forty days if it is shown to the satisfaction of Your Excellency that all that period is not necessary. No Honourable Member in this House, Sir, can say that he requires more than three days to take a document executed in Lagos to a Stamp Commissioner.

There are a few clauses to which I should like to draw attention. Clause 104 gives Your Excellency powers to make regulations referring to the compounding of stamp duties. That is, for instance, where a Commissioner is dealing with an Insurance Company he can compound for a certain amount and allow the stamp duties to be paid in bulk. This is essential for facilitating the work in connection with companies doing big business in a particular line.

Clause 106 enables Your Excellency where you are satisfied that stamp duties have been paid twice over—that is in Nigeria and in another country—to remit the duty paid in Nigeria if Your Excellency considers it in the interest of Nigeria that such duty should be remitted.

The provisions dealing with the recovery of penalties will be found in clauses 108, 109 and 111 and contain provisions new to the law of Nigeria. Clause 111 provides that no prosecution can

be made more than five years after the offence has been committed. At present proceedings can be brought at any time and it is thought only fair that a man who has hidden his candle under a bushel for five years he should be entitled to freedom thereafter.

One other point that I should mention is the question of fixed penalties and provision has been made in a new clause for the Governor to mitigate a fine.

In clause 112 (d) the Governor in Council can by regulations specify that certain documents which at present require adhesive stamps must be stamped with embossed stamps and *vice versa*.

Now I come Sir, to a clause which I am sure will appeal to the Unofficial Members of this Council and that is clause 113. It provides that the different stamp duties can only be varied by a Resolution of this Council. As stamp duties are a measure of taxation it is considered right that any variations should be approved by the body in Nigeria which imposes taxation. There are one or two minor amendments which I will move in the Committee stage. Your Excellency, I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE STAMPS (DEMONETISATION) (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Stamps (Demonetisation) Ordinance" be read a first time.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a first time.

ADJOURNMENT.

The Council adjourned at 1 p.m. until 10 a.m. on Tuesday the 7th of March, 1939.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA
ON

Tuesday, 7th March, 1939.

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 7th of March, 1939.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable Mr. C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,
His Honour Mr. T. S. Adams, C.M.G.
- The Acting Chief Commissioner, Southern Provinces,
His Honour Mr. G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable Mr. H. C. F. Cox, K.C.
- The Financial Secretary,
The Honourable Mr. H. L. Bayles, C.M.G.
- The Commandant,
The Honourable Brigadier D. P. Dickinson, D.S.O.,
O.B.E., M.C.
- The Director of Medical Services,
The Honourable Dr. R. Briercliffe, C.M.G., O.B.E.
- The Director of Transport,
The Honourable Mr. G. V. O. Bulkeley, C.B.E.

- The Director of Education,
The Honourable Mr. E. G. Morris, O.B.E.
- The Director of Marine,
The Honourable Commander A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. E. C. F. Bird.
- The Acting Deputy Chief Secretary,
The Honourable Mr. T. Hoskyns-Abrahall.
- The Senior Resident, Kano Province,
The Honourable Mr. J. R. Patterson.
- The Resident, Oyo Province,
The Honourable Captain E. J. G. Kelly, M.C.
- The Resident, Owerri Province,
The Honourable Mr. F. B. Carr.
- The General Manager of the Railway,
The Honourable Mr. J. H. McEwen.
- The Director of Public Works,
The Honourable Mr. S. J. W. Gooch.
- The Director of Agriculture,
The Honourable Captain J. R. Mackie.
- The Honourable Captain A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.
- The Honourable Mr. S. R. Marlow,
Deputy Financial Secretary (Extraordinary Member).

UNOFFICIAL MEMBERS.

- The Member for Shipping,
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,
The Honourable Dr. H. Carr, O.B.E., I.S.O., D.C.L.
- The Member for the Ibo Division,
The Honourable Mr. B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable Mr. S. B. Rhodes.
- The Member for the Warri Division,
The Honourable Mr. A. Egbe.
- The Member for the Oyo Division,
The Honourable Mr. N. D. Oyerinde.
- The Banking Member,
The Honourable Mr. D. D. Gibb.
- The Commercial Member for Lagos,
The Honourable Mr. R. M. Williams.
- The Member for Calabar,
The Honourable Revd. O. Efiang.

- The Member for the Ibibio Division,
The Honourable Mr. N. Essien.
- The Member for the Ijebu Division,
The Honourable Dr. N. T. Olusoga.
- The Second Lagos Member,
The Honourable Dr. K. A. Abayomi, M.D.
- The Third Lagos Member,
The Honourable Mr. O. Alakija.
- The First Lagos Member,
The Honourable Mr. H. S. A. Thomas.

ABSENT.

OFFICIAL MEMBERS.

- The Senior Resident, Plateau Province,
The Honourable Mr. E. S. Pembleton.
- The Senior Resident, Onitsha Province,
The Honourable Mr. A. E. F. Murray.
- The Senior Resident, Ilorin Province,
The Honourable Mr. F. de F. Daniel.
- The Senior Resident, Sokoto Province,
The Honourable Commander J. H. Carrow, D.S.C., R.D.
- The Resident, Benue Province,
The Honourable Mr. D. M. H. Beck, M.C.
- The Resident, Niger Province,
The Honourable Mr. P. G. Harris.
- The Resident, Katsina Province,
The Honourable Mr. R. L. Payne.
- The Secretary, Northern Provinces,
The Honourable Mr. A. E. V. Walwyn.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. E. N. Mylius.

UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,
The Honourable Mr. P. H. Davey.
- The Commercial Member for Kano,
The Honourable Mr. W. J. Ogden.
- The Commercial Member for Calabar,
The Honourable Mr. L. A. McCormack.
- The Mining Member.
(Vacant).

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 6th March, 1939, having been printed and circulated to Honourable Members were taken as read and confirmed.

QUESTIONS.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

1. (*Question No. 12 of the 6th of March, 1939*). To ask the Honourable the Chief Secretary to the Government—

(a) Whether it is true that a scheme has been approved for extending the Onitsha Market and for demolishing some of the present stalls and substituting stalls of more permanent structure in their places?

(b) If the reply is in the affirmative whether (i) Government will undertake not to give the whole contract to one single firm or contractor? (ii) In accepting tenders will Government give preference to proficient African contractors residing in Onitsha Township whose tenders are economical or who have connection with Onitsha Market by reason of the proximity of the place of their business to Onitsha?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir, but a scheme is under consideration.

(b) (i) No such undertaking can be given.

(ii) If the scheme is approved, tenders will be invited in the usual way and will be submitted to the Tenders Board, which will be guided by considerations of efficiency and economy in the expenditure of public money.

The Hon. the Member for the Ibo Division (Mr. B. O.-E. Amobi):

2. (*Question No. 15 of the 6th of March, 1939*). To ask the Honourable the Chief Secretary to the Government—

(a) What is the total cost to the Onitsha Township of the construction of Iweka Road?

(b) Why has that road been neglected?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Iweka Road was constructed by Mr. Iweka, a private person, about 1917. It was improved by the Local Authority, Onitsha, about 1927, from maintenance votes at a cost of about £90.

(b) The road has not been neglected and, having regard to the traffic and funds available, it is in very fair order.

The Hon. the Member for the Oyo Division (Mr. N. D. Oyerinde):

3. (Question No. 24 of the 6th of March, 1939). (a) Is it a fact that an Appeal in a land case *Oluwofin vs. Ige*, which came from Olubadan's Court to the District Officer's Court, Ibadan, where evidence was taken and the appellant was required to pay £25 for survey has been sent back as a fresh case to the New Native Land Court?

(b) If so, why?

Reply not yet ready.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

4. (Question No. 26 of the 6th of March, 1939). To ask (a) whether foreign firms trading in Nigeria are granted loans by the banks established here?

(b) Whether the Ibibio Native Administration funds have been invested in banks outside Nigeria?

(c) Whether the Ibibio Native Administration funds are invested in the banks established in Nigeria? If so

(d) Whether Government can advise those banks to give loans on the same terms of interest to organised Ibibio Societies, Ibibio Farmers and Producers on a recommendation by the Ibibio Native Administration Councils and on approval of the Ibibio Union?

(e) If not, why not?

Answer:—

The Hon. the Financial Secretary:

(a) Government is not in possession of this information.

(b) No, Sir.

(c) The Ibibio Native Treasury has a sum of £900 on fixed deposit with a bank in Nigeria.

(d) and (e) Government cannot undertake to advise banks as to the terms on which they issue loans and advances to the public.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

5. (Question No. 31 of the 6th of March, 1939). (a) Is it correct that there is a seminary established by the Methodist Mission for girls or women at Ituk Mban Village in the Uruan Clan, Uyo District? If so,

(b) What is the number of the members on the staff, and what are their names, nationalities, qualifications and salaries?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

6. (Question No. 36 of the 6th of March, 1939). (a) To ask the Honourable the Director of Education which of the Middle Schools and Colleges in the Northern Provinces of Nigeria admit pupils whose parents are non-natives of the Northern Provinces?

(b) What is the total number of such pupils?

(c) How are they distributed among those schools and colleges?

(d) Which of the Middle Schools and Colleges of the Northern Provinces are not to admit pupils whose parents are non-natives of the Northern Provinces of Nigeria?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

7. (*Question No. 41 of the 6th of March, 1939*). To ask if it is a fact that school boys in Asaba Division of the Benin Province pay poll tax? If so, how soon will Government abolish such taxation for school boys?

Answer:—

The Hon. the Chief Secretary to the Government:

Schoolboys in the Asaba Division are not required to pay tax if they are exempt under Gazette Notice No. 790 of 1935. No change in the terms of this notice is contemplated.

The Hon. the Member for Calabar (Revd. O. Efiang):

8. (*Question No. 43 of the 6th of March, 1939*). (a) To ask the Honourable the Director of Education if it is a fact that Government has hitherto confined the award of British Council Scholarships to teachers in Government schools? If so,

(b) Is this one of the conditions of the scholarship? If not,

(c) Will Government consider the award of the scholarships to teachers in non-Government schools also?

Answer:—

The Hon. the Director of Education:

(a) The award of British Council Scholarships is with the Secretary of State, and not with this Government. Three awards, each in respect of a Government Teacher, have hitherto been made on the recommendation of this Government.

(b) No, Sir.

(c) Recommendations to the Secretary of State in respect of the award of these scholarships depend on the suitability of the candidates, and no preference is given to teachers in Government schools.

The Hon. the Member for Calabar (Revd. O. Efiang):

9. (*Question No. 46 of the 6th of March, 1939*). (a) Will Government state for the information of this Council what percentages of the total public revenue were spent on Education in the last three financial years as compared with the percentages spent in the other British West African Colonies?

(b) Does such a comparison not indicate that Nigeria's educational budget is percentually the lowest while her percentage of juvenile illiteracy is about the highest?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) After eliminating self-balancing expenditure, reimbursements and other accounting transactions which do not represent true

departmental expenditure, the percentage of the total public revenue spent on Education in Nigeria during the last three financial years was as follows:—

<i>Nigeria.</i>		
1934-35	... ..	5.95
1935-36	... ..	6.05
1936-37	... ..	6.81

These figures do not include expenditure by Native Administrations, which in the current financial year exceeded £63,000. From such information as is available it appears that the comparable figures for the Gold Coast and Sierra Leone were:—

<i>Gold Coast.</i>		<i>Sierra Leone.</i>		
1934-35	10.60	1934	8.05
1935-36	10.37	1935	8.16
1936-37	9.38	1936	7.58

Figures for the Gambia are not available.

(b) Proportionate expenditure is therefore lowest in Nigeria, but the numbers of children in school per 10,000 of the population are:—

Gold Coast	... ..	184
Nigeria	... ..	107
Sierra Leone	... ..	102

Attendances at Koranic schools amount to about 200,000 and are not included in the figure for Nigeria above.

The Hon. the Member for Calabar (Rev. O. Efiang):

10. (*Question No. 49 of the 6th of March, 1939*). (a) To ask for full details in connection with a certain incident which occurred in Calabar on the 17th of January, 1939, in which it is alleged one Mr. E. H. Efiom was seriously assaulted and wounded by police constables in an attempt to arrest him?

(b) What was the crime for which it was found necessary to arrest him?

(c) What injuries did he sustain and how did he manage to sustain those injuries?

(d) What official action has since been taken in the matter?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

11. (*Question No. 51 of the 6th of March, 1939*). Is Government aware that a substance commonly called crude tar or bitumen has long been discovered in large quantities in many parts of Ijebu Province and that one of the areas was once mined by some European firm some years ago?

(a) In view of the fact that bituminous surfacing of the Ijebu-Ibadan and Ijebu-Abeokuta roads are proceeding whether Government will not consider the advisability of obtaining supply from these local sources?

(b) Whether Government will help in the mining and purification of this crude tar for local consumption by the public in general?

Answer:—

The Hon. the Chief Secretary to the Government:

Yes, Sir. Reports of such deposits have been received over a number of years and samples of the deposits have been analysed, with disappointing results.

(a) Experiments have already been made, but sections of road treated with local bitumen did not bear traffic well.

(b) As far as information is available the analysis of the bitumen and experiments with it indicate that it cannot compete with the imported product.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

12. (*Question No. 56 of the 6th of March, 1939*). (a) Is it a fact that Government intend to standardise the scale of the stipends of Chiefs in Ijebu Province at seven per cent of the annual tax derivable from the chiefs' areas? If so,

(b) Will Government consider their important positions, the maintenance of their offices and increase the scale to twenty per cent in order to afford them a decent living?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir; Government has no intention of introducing any new method for calculating the salaries of Chiefs in the Ijebu Province. These salaries at present amount to over twenty per cent of the gross tax collected in the Province.

(b) Does not arise.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

13. (*Question No. 57 of the 6th of March, 1939*). Is Government aware of the action of a Police Constable, Thomas Shorunke in Ijebu Remo Division of the Ijebu Province, who at Ilishan stripped naked one Bakare Sari, ordered him to be severely beaten, causing bodily harm and ordered the wounds thus inflicted to be massaged with pepper, and ordered the man in stark nakedness to be paraded around the public streets and markets in broad daylight at Ilishan, as a result of which treatment Bakare Sari was later removed to the hospital at Ijebu Ode for medical treatment; that reports were later made to the Assistant Superintendent of Police and the Resident, Ijebu Ode, and evidence given in connection with the incident in December, 1938, in the High Court at Ijebu Ode. To ask:—

(a) What was the nature of the report made by the Medical Officer on his treatment of Bakare Sari especially when giving evidence in Court?

(b) What remarks did the Judge make in his findings particularly on the action of this policeman?

(c) Whether any police constable has justification to treat an offender so brutally and in so inhumane a manner as described above? If not,

(d) What is Government prepared to do to obviate a recurrence of so disgraceful a treatment from the hands of police officers to the members of the public?

(e) What was the step taken by the Assistant Superintendent of Police to whom this incident was reported?

Reply not yet ready.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

14. (Question No. 62 of the 6th of March, 1939). (a) Whether Government is aware—

- (i) That between January and February, 1935, survey work was done and cement pillars put in on the lands belonging to the people of Itam Clan in Itu District, and of Oku and Offot Clans in Uyo District?
- (ii) That the inhabitants of the areas in question were greatly disturbed by that interference?
- (iii) That in consequence of their being so disturbed, the people opposed the work and objected to the manner in which their lands were being so dealt with?
- (iv) That two letters—(1) dated 6th February, 1935, with a penny stamp fixed thereon, and (2) M.P. No. U.61 dated 28th February, 1935,—were written by (1) the Resident, Calabar Province, and (2) the Acting District Officer, Uyo, and addressed to (1) the Itam and (2) the Offot Councils, respectively, on the matter?
- (v) That a police escort was engaged on that occasion against the people of Oku and Itam Clans? And
- (vi) That the cost of the escort, according to the Acting District Officer Uyo's letter referred to above, was charged to the funds of the Oku and Offot Native Administrations?

(b) Whether the owners and possessors of those lands were previously constitutionally informed of the survey and putting in of the cement pillars on their lands? If so,

(c) Whether their legal consent was obtained? If so,

(d) How and by what means were such steps taken? If not,

(e) Why not?

(f) In what way and by what means are the owners and possessors of those lands benefited by that survey and by the putting in of the cement pillars in such a manner?

(g) What did the Resident, Calabar Province, mean in his letter referred to above by—

- (i) Restraining the Itam people from making free use of every part of their land?
- (ii) Cautioning them against the cement pillars so put in on their land?

(h) What import or interpretation does a penny stamp fixed on in that manner at the bottom of the left side corner of the Resident's letter referred to above, within an impressive (office) stamp with inscriptions—

- “ D.O. ”, on the top,
- “ 6 Feb. 35. ”, in the middle, and
- “ ITU ”, at the bottom,

carry between the Government and the people concerned, in relation to those lands?

(i) What, in principle, is the legal position now between the Government and the Ibibio people concerned, in relation to those lands?

(j) *Apròpos* paragraphs 1 to 3 of the Acting District Officer Uyo's letter referred to above—*re* the police escort:—

- (i) What peaceful and persuasive means did the Acting District Officer adopt and had these means failed him on that occasion ere he obtained the police escort on the approval of “ His Honour the Lieutenant-Governor ” ?
- (ii) What was the real purpose for which the police escort was so urgently required in the circumstances?
- (iii) Why was the police escort so ready at the disposal of the Acting District Officer, Uyo, against a law-abiding people, under the circumstances?
- (iv) Why should the cost of the escort be borne by the Oku and Offot Native Administrations, in view of the fact that no constitutional policy was previously adopted to furnish the people with proper information and to obtain their legal consent before the work was commenced?
- (v) How much money was the actual cost of that escort?
- (vi) Was that cost or any part thereof actually borne by any of the Ibibio Native Administrations? If so,
- (vii) Under what Head was that cost of the police escort paid into the Revenue?
- (viii) Was there any record kept of that payment? If there was,
- (ix) What are the contents of that record? If such a record was not kept,
- (x) Why was it not kept?

(k) Whether Government by virtue of the Laws of Nigeria, Volume IV, Page 379, Article XI of the Royal Instructions dated the 9th of December, 1922, will be pleased to consider the advisability of—

- (i) Refunding to the Oku and Offot or any other Ibibio Native Administrations concerned the cost of the police escort referred to above, if such payment was actually made by them?

(ii) Removing those cement pillars from those lands and restoring unconditionally to the owners and possessors thereof unqualified enjoyment of their property?

(l) If the answer to Question 62, (k) (i) and (ii) is in the negative, for what reason or reasons is the request not granted?

(m) Whether a detailed account of the cost of that escort can be rendered, if it was otherwise defrayed? If so,

(n) From what fund was it defrayed? And

(o) What were the accounts of the cost of the escort?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

15. (*Question No. 63 of the 6th of March, 1939*). To ask whether Government will favourably consider the question of paying salary at £48 a year from the dates of the confirmation of their appointments, to Probationer Clerks who did not pass the Junior Clerical Service Examination owing to that examination being abolished by Government before the expiration of the period of three years allowed for passing it?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

16. (*Question No. 65 of the 6th of March, 1939*). To ask for the number of posts of Chief Clerks and other higher appointments which were abolished in various departments of the Railway on ground of economy during the financial stringency of 1931-35, and also for the number of such posts which have been resuscitated?

In the event of any such posts not having been resuscitated, can the Honourable the General Manager of the Railway state whether the duties and responsibilities of the department or departments concerned no longer justify their resuscitation?

Answer:—

The Hon. the General Manager of the Railway:

The number of posts of Chief Clerks and other higher appointments either abolished or suppressed by leaving vacancies unfilled in various departments of the Railway on the ground of economy is as follows:—

Superior appointments (e.g., Office Assistants)	3
Chief Clerks	6
Assistant Chief Clerks	9

of these the following have since been restored:—

Superior appointments	1
Assistant Chief Clerks	4

Financial considerations do not at present permit any further expansion of the establishment.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

17. (*Question No. 66 of the 6th of March, 1939*). What prospects of advancement to posts whose initial salary exceeds £300 a year exist for the African non-technical staff in the Mechanical and Civil Engineering Departments of the Railway?

Answer:—

The Hon. the General Manager of the Railway:

The Mechanical and Civil Engineering Departments of the Nigerian Railway do not require any non-technical posts of a higher grade than Assistant Chief Clerks. Non-technical staff should not, however, regard their prospects of advancement as being confined to the department in which they are serving at any given time.

Vacancies in higher posts in all departments of Government and of the Railway are notified in the Gazette and the claims of all applicants are considered on their merits.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

18. (*Question No. 68 of the 6th of March, 1939*). Is it a fact that telephonists engaged before 1933 have not been allowed to exercise the option of transferring to other branches of the Service, which was given them as per paragraph 5 of the Honourable the Chief Secretary's letter No. 28715P/358 of the 12th of September, 1935? If so, why?

Answer:—

The Hon. the Financial Secretary:

No, Sir. Application for transfer always receive careful consideration provided that the officer has the necessary qualifications, and two such transfers have in fact been made, one to another Department and one to another section of the same Department. The option to which the Honourable Member refers in his question was an option to apply for transfer and was conveyed in the following words:—

“ It may be added that, in reply to certain representations submitted by them in June, 1933, Telephonists were informed that requests made by any of them possessing the necessary qualifications for transfer to other branches of the Service would always receive due consideration. This option remains open to them.”

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

19. (*Question No. 70 of the 6th of March, 1939*). (a) To ask whether, since 1933, boys were being engaged from time to time on a five-year indenture for training as fitters in the Mechanical Department of the Railway?

(b) If so, what has been the total number of boys so engaged and how many of such boys have satisfactorily completed their period of training?

(c) Was any promise, written or verbal, made to any or all of them as to the rate of pay or salary they were to receive on the satisfactory completion of their training?

(d) If so, what was the rate of pay or salary promised and what is actually being paid at present?

Answer:—

The Hon. the General Manager of the Railway:

(a) Yes.

(b) Forty-four boys have been engaged since 1st April, 1933.

(c) No such promise was given at the time of engagement but on completion of apprenticeship they were offered the rates of pay as in (d) below. They were also informed they were at liberty to seek employment elsewhere:—

	<i>Boys.</i>
(d) Offered 5d. per hour now on 5d. per hour	21
" 4½d. " " " left service	1
" 3¾d. " " " dismissed	1
Services terminated	2
Offered 6½d. per hour now on 6½d. per hour	2
" 4s. " day, now on 4s. 2d. per day	1
" 4½d. " hour now on 4½d. per hour	10
" 3¾d. " " " " 3¾d. " "	1
" 4½d. " " " " 5d. " "	5
	—
	44
	—

Indentures were discontinued in 1935, the following procedure being adopted:—

All boys whom it is proposed to apprentice are advised by letter before engagement as to the course it is intended they shall take during their five years apprenticeship.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

20. (*Question No. 71 of the 6th of March, 1939*). (a) Is it a fact that there are employees in the Railway Printing Press who have been in receipt of salary of £78 a year for periods varying from three to nine years? If the answer is in the affirmative,

(b) to ask for a statement of the reason or reasons why they have not been advanced to the next higher grade carrying the salary-scale of £80-8-128?

Answer:—

The Hon. the General Manager of the Railway:

(a) The answer is in the affirmative.

(b) The Technical Staff grades of the Railway Press were re-organised with effect from the 1st of April, 1937. Prior to that date advancement from the salary scale carrying a maximum of

£78 to the scale £80-8-128 was dependent on the occurrence of a vacancy in the higher grade, subject to good conduct and ability; but this promotion bar has now been removed. Length of service is not in itself adequate ground for advancement to the higher grade but any officer possessing the requisite qualification is eligible for such advancement.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

21. (*Question No. 72 of the 6th of March, 1939*). Is it a fact that the stipend of £180 a year which Chief Dogo of Uzeba, in Benin Province, was getting as a District Head was stopped on the introduction of the Native Courts Ordinance? If so, to ask for the reason or reasons for the stoppage?

Answer:—

The Hon. the Chief Secretary to the Government:

Chief Dogo of Uzeba was neither a District Head nor a Clan Head. In 1931 he was appointed a member of Ishan Council on a salary of £90 *per annum*. This salary was subsequently reduced, and it ceased altogether on the abolition of Ishan Council in 1938. He is now a member of Iulesha Clan Council and shares in the salary paid to that Council. The grant to him of a small pension from Native Administration funds in recognition of his past services is under consideration.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

22. (*Question No. 73 of the 6th of March, 1939*). Has any decision been reached on the question of providing some form of Special Allowance to cover an exceptional case of an officer who is dismissed owing to misconduct after having rendered valuable service during the bulk of his career?

Reply not yet ready.

The Hon. the Third Lagos Member (Mr. O. Alakija):

23. (*Question No. 77 of the 6th of March, 1939*). To ask whether the attention of Government was directed to a communication signed by "Progress" and published in the *Nigerian Daily Times* of the 8th of September, 1938, headed "Ilaro Native Court Need for Reorganisation" and if so, to ask whether Government will be graciously pleased to institute an inquiry into the alleged delay complained of with a view to remedying the defects?

Answer:—

The Hon. the Chief Secretary to the Government:

It is true that some delay occurred in the issue of process and the hearing of civil cases by Ilaro Native Court in June and August, 1938, due to shortage of clerical staff during the peak period of tax collection; steps are being taken to remedy this. By the end of September, 1938, the Court had resumed normal weekly sessions and all arrears had been disposed of. It is not considered necessary to hold an inquiry.

The Hon. the Member for the Egba Division (Mr. A. Alakija):

24. (*Question No. 79 of the 6th of March, 1939*). (a) In view of the Judgment of the Supreme Court dated the 14th of December, 1938, in the case of "ELO AIYEDUN, Chief Aromire *versus* YESUFU ORESANYA"—Suit No. 213 of 1938, is Government contemplating any measure by which the House of Docemo would be given a definite status, and the functions and duties of the White-cap and other recognised Chiefs and their obligations to the ancient House, regulated?

(b) If not, of what use are the meetings which the Commissioner of the Colony invariably holds with OBA FALOLU and some Chiefs?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The question of the status and functions of Chiefs in Lagos is still receiving Government's serious consideration.

(b) The Commissioner of the Colony by means of these regular interviews has been enabled to keep in closer touch with the people and to keep them informed of current events. In this connexion the Honourable Member is referred to paragraph 26 of the Annual Report on the Administration of the Colony for the year 1937.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

25. (*Question No. 82 of the 6th of March, 1939*). (a) Is the report true that over ninety workmen of the Nigerian Railway Foundry Shop had ceased work for over two weeks owing to some dispute with the Railway Authorities? If so,

(b) What is the nature of the dispute and has any attempt been made to meet the grievances of the men?

Answer:—

The Hon. the General Manager of the Railway:

(a) Yes Sir.

(b) The dispute occurred owing to the necessity for restricting the output of certain spare parts usually manufactured in the Foundry. In the result there was steady work for seventy only of the ninety-two men formerly employed in the Foundry which meant that either a number of Foundry workers must be temporarily suspended, or that all the men should share what work there was, each working in shifts of three weeks out of four, and all thus sharing the burden.

The workers refused to accept either alternative and all except five ceased work on the 13th of February. They were at once invited to send a deputation to the General Manager. The deputation was duly received, and suggested that all work in their section of the Workshops should cease until stocks should be so far reduced as to permit of the full time re-engagement of all the workmen on the same day. This proposal could not be accepted in view of the need for continuity of manufacture of current requirements and emergency orders.

Every effort has been made by the General Manager, Nigerian Railway, to settle the matter but so far the protracted negotiations which have taken place have had no result.

BILL.

(Second Reading.)

THE 1939-40 APPROPRIATION ORDINANCE, 1939.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to appropriate the sum of nine million one hundred and forty-eight thousand three hundred and eighty-one pounds to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty" be read a second time. In moving the second reading of this Bill, Sir, I would like to remind Honourable Members of the latitude allowed Members to debate on the budget as a whole. Your Excellency I beg to move.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

The Member for the Egba Division (The Hon. A. Alakija):

Your Excellency, in support of this Bill I would like to say from the onset that I do not intend to embarrass the official financial expert. Whatever I had intended to say in connection with the Bill has been simplified by Your Excellency yesterday in your very able address. The address has somewhat disarmed me especially as I was struck with the genuineness and sincerity with which Your Excellency explained the difficulties with which we are faced, nevertheless I think there is one thing we have to say to ourselves in this House and that is the fact which strikes the layman and the man in the street. This brings to my mind the name of one of my Honourable friends in this House—I refer to the then Honourable Banking Member for Lagos, Mr. Herapath—who, on budget sessions, nearly made himself very unpopular by his very loud and ruthless criticisms of the Estimates. While I do not believe in unduly embarrassing the powers that be, I like to recall the fact that at the last budget session the Honourable the Commercial Member for Lagos like the *ex* Banking Member sounded a note of warning which fell on deaf ears. This is what the man in the street cannot understand.

Much as I appreciate the efforts of those in authority to curtail expenditure and to do the best they can, I think that Unofficial Members should be taken a little into confidence in matters of this kind and especially those members who are financial experts and who are quite qualified to advise and express an opinion in matters of this kind. We must look into this; despite all the official platitudes, I am not convinced, that a little more prudence exercised by the powers that be will be detrimental to the efficiency

of the service. For instance, a few years ago I think a daily paper in this country—and I think the paper was supported by some Members of this Council—gave a note of warning that the time was not yet ripe for a division of the administration of the provinces, that is the Eastern and Western Provinces of Southern Nigeria. Much as it was desirable in the opinion of Government that the division should take place I think in these days of economic depression which was then apparent a little delay of that division would not disturb, in my opinion, the efficiency of the service, because such division was bound to involve Nigeria in a large expenditure and it was clear that we could not afford it. I do not think the urgency of the division of the administration was so paramount that Government should have rushed into it or that Nigeria would fall if the division was not made.

We have also, time and again, seen in the Gazette new appointments and to the layman and the man in the street it seems that the recruitment of cadets which happens almost every fortnight seems to give them the idea that we are pledged to the Imperial Government or to Great Britain to absorb a certain number of people from the Universities in the United Kingdom.

I believe, Your Excellency, that these are facts which make the layman and the man in the street think that Government should take advice from those who are competent to give it, that Government should go slowly and when possible look for talents locally to fill some of those posts for which cadets are recruited until time and circumstances will permit the free use of Nigerian money.

Whilst I am on this subject, Sir, I should like to make reference to the new Taxation Ordinance which I think every loyal citizen should support if there was an emergency to justify it. There, perhaps, would have been no necessity for this Ordinance but for the gloomy state of things facing us in Nigeria to-day. I am afraid that I would find it very hard and difficult to agree readily to these taxes because the income tax in this country of one per cent is already very hard on the population of Lagos and I feel bound to say, when in Your Excellency's speech yesterday you said that although in the United Kingdom higher income tax is paid than what we pay to-day in Nigeria, tax is paid without murmur (and I doubt very much if there is no murmur among some classes over there), in the very words of a local paper which I read this morning and with which I entirely agree:—

“ In reminding the public that we are still much less
“ heavily taxed than the British public who bear their burden
“ without complaint, we would like to remark that the British
“ taxpayer is not subjected to one iota of the discomforts that
“ we are, and that the social amenities and public services in

“ Great Britain just cannot be compared with the public
“ services in this country. The British taxpayer also has the
“ inestimable advantage of choosing his own Government
“ which we have not.

“ Can anyone imagine the British taxpayer tolerating
“ what we do here?”

I entirely endorse those remarks in the editorial of that paper and I feel also that the one per cent on our income which we are paying to-day is quite ample. The £20,000 which it is sought to raise by increasing the tax to one and a half per cent is a small drop in the big ocean of Nigeria's finances and at the same time it must be a very heavy burden in the purses of those who will be called upon to pay this increased taxation. However that Bill is coming before this Council and at the proper time it will be discussed. I am saying in all seriousness Sir, that I hope in future in matters of expenditure and budgeting of revenue those Unofficial Members who are qualified to say something about them may be taken into confidence by the Government. Seeing how things are this year we all must shoulder arms to bear the burden but as I urged before I think example is better than precept and Government would do well to consider the postponement of any expenditure which is not of an urgent nature and which can wait until we are in a better position to face it.

In dealing with the departments generally, Sir, I have nothing to say in connection with any Government department with the exception of the department which I have always supported in this Council—I mean the Medical Department—and I refer particularly to the Health Section. We have had recently a health week propaganda and a good deal has been done by the Committee and I must congratulate them on the efforts which they have made during the Health Week and the huge preparations which those concerned made in order to help the public of Lagos. May I ask Sir, what the Health Department itself is doing? Whether they or the Town Council in a practical way and by practical example have shown the way or the road to health to the people who live in the town. I refer to the Town of Lagos proper. It may be necessary in time to come for Your Excellency to appoint a little Commission of Inquiry to go round this town and report to this House on the state of things under the very nose of the Town Council and under the very nose of the Health Department. You cannot move in the streets at night without meeting hundreds and thousands of night soil men. You cannot go out after a dinner without colliding with these men or getting some offensive odour to greet your nostrils and inhaling effluvia of an appalling nature.

Now Sir, there has been any amount of writings in the papers; petitions have been drawn up and complaints made but no effective action has been taken. I do not think it will require a lot of expenditure to abate this nuisance. When the people in the town are suffering in this manner what is the use of preaching about health when the Authorities responsible for health sit quietly at night in their houses and do not come to see what is happening. Since Ikoyi was built the town of Lagos has been forgotten and living in Lagos is almost intolerable. The Africans in Lagos can tell Your Excellency that Lagos is not fit to live in and we all wish we could go to Yaba and sleep at night. Then there is the question of noise. It was only recently that one of my neighbours and I had to sign a petition regarding the noise made in the streets and in the Glover Memorial Hall even at the nose of the Police Station and although the petitioners have been promised that action will be taken I strongly feel that action should have been taken before the petition was sent.

Talking about the Health Office a case came to my notice only recently. In a house where people live in—men, women and children—an infant died. The doctor's certificate showed that he suffered from bronchitis. The child was buried. Eighteen days after the certificate had been issued a note was issued by the Health Department to the effect that the house should be fumigated. That was eighteen days after the death had occurred. On the eighteenth day an Inspector walked into the compound and was shown into the room where the child had died. He went round. He fumbled about; threw something here and there and went away. If it is true that the period of incubation of the germs of C. bronchitis, as I understand, is forty-eight hours it seems as though the whole compound would have died before the Sanitary Inspector got there because it took him eighteen days to get to the house. At that rate the whole town would have been infected. This is just a side light to the Health Department, otherwise they are doing excellent work.

Then Sir, I thank Your Excellency very much for the institution at the last session of the African Defence Force. This I have advocated in this House over and over again and I am glad that Your Excellency has thought it fit to approve of the organisation of an African Defence Force. I only wish that my countrymen would respond and rally in large numbers to take advantage of an opportunity which we have been seeking and which has only come in our way during the regime of Your Excellency. I do not know how far the list has gone but I wish I were within the age limit myself so that I would have been the first to enrol (applause). But those under my care and who are within the age limit I have already persuaded to apply and I hope every intelligent young man in Nigeria will follow.

With regard to Your Excellency's remarks yesterday about Yoruba Chiefs, I must congratulate Your Excellency and those responsible for the settlement of that great dispute at Ibadan and also the dispute and trouble at Ijebu-Ode. There are other minor disputes as well, for instance, the little trouble at Abeokuta during the preparation of the Intelligence Report. I must congratulate Captain Miller and his officers for the careful way in which the affair was handled. The Yoruba States are settling down peacefully and even in Lagos I noticed recently that the Acting Commissioner of the Colony, with the assistance of those helping to bring about peace, has been able to bring about a settlement between Oba Falolu and his White Cap Chiefs and to-day I understand peace reigns in Lagos and the White Cap Chiefs are meeting with Oba Falolu as they did in the days gone by. I hope that that peace will be lasting and that Government at no distant date will establish that House and give it a status and so do away with the frictions which have lasted for many years.

The Conference of Yoruba Chiefs—and I do not know when Your Excellency intends to hold one this year—I mean the two that have been held have met with such success that all the Chiefs are looking forward to the day when Your Excellency will open another Conference at Ibadan.

Speaking about Abeokuta there is a little matter which troubles our people there and that is that about a few years ago owing to a decision of the West African Court of Appeal the practice of issuing writs of *fi fa* to sell real property was stopped because it was discovered that there was no power under the Native Courts Ordinance to sell real property. Advantage was taken of this by debtors in Abeokuta and it has had its bad effect on the collection of taxes. Debtors refuse to pay and tell their creditors to go to Court. For several months and perhaps for nearly two years the people in Abeokuta have been worried about this state of affairs and we hope that legislation will be introduced which will empower the Native Court to sell property, especially those which have been pledged as security for debt. The natives say that the Native Court is powerless and they now go to the Court at Igbein where if they get judgment they can get the property sold. I spoke about this at the last Council meeting at Abeokuta and I am glad to say that the Resident was sympathetic and said he would look into the matter. The reason advanced by the District Officer was that when property was sold it was often sold at a very low price. Of course that should not interfere with the powers of the Court because the same auctioneer who sells for the Native Court is the same man who sells for the High Court or the Magistrate's Court. A man owing a large sum of money can build ten or even fifteen houses and own as much farmland as he likes but not one of these can be

touched. I simply mention this in this House not by way of agitation as I have mentioned it in Council at Abeokuta and the Resident promised to look into the matter. I think no time should be lost in defining the position so that the Native Courts can function as they have done over eighty or more years ago.

Another department of Government Sir, to which I like to draw attention is the Prisons Department. It has come to my knowledge that the boilers used for cooking in the prison is out of order and an expenditure of about £350 is all that is needed to provide new boilers. The time and methods of cooking in the prisons now are very inconvenient and a lot of time is lost and I think Government should lose no time in providing this small amount of £350 because, in my opinion, that would be money well spent. I asked a question the last time in the Finance Committee in regard to the funds derived from prison labour and I was told that the money is paid into the revenue. It would not, I think, be a bad thing if a proportion of that amount is reserved as a fund by which prisoners who leave prison can be given a start in life especially those who have been taught such trades as weaving, carpentry, shoemaking and other kindred trades in the prison. Some instruments could be purchased with this amount under certain conditions approved by the Government and these people can start a little trade on their own. I make this suggestion because it has occurred to me as a member of the Prison Visiting Committee and this fact struck me the last time I visited the prison.

On the whole I wish to associate myself with Your Excellency in welcoming to this House the Honourable the Chief Secretary, the Honourable the Director of Education and the Honourable the Director of Public Works. When Mr. Maybin was leaving Lagos he told us that if we found him a good man while he was with us in Nigeria we were going to find his successor a better man and added this particular remark, that is, that Mr. Woolley is an English gentleman. This speaks volumes and since the Honourable the Chief Secretary has come to this country every step of his points to the truth of Mr. Maybin's statement (applause). I wish also to congratulate our friends Mr. Whiteley and Mr. Shute on their well deserved promotion.

The Commercial Member for Lagos (The Hon. R. M. Williams):

Your Excellency, we have a very striking contrast between the atmosphere in which this Council met last year and the present state of affairs and I am afraid I cannot hold out any hope of any very great improvement in the financial conditions of the country. We depend for almost everything we have on the prices of produce and they are bad and at the present time I cannot see any signs of improvement. Our oil has been driven off the world's markets

by the menace of Malaya and Sumatra. I gave reasons for that last year and I do not propose to go into them again. Our kernels are better. They have a market as a result of their value as food for cattle which is very much better than the ordinary oils market and here the defects of our fruit stands us in good stead. There is a far greater proportion of kernel in our fruit than the fruit in Java and Sumatra. Cocoa has been flat the whole of the season. I am told the statistical position in America is a little better but we have heard that story from America so many times that I do not put much faith in that. America is in the habit of whistling to keep its spirits up. I heard a report a day or two ago that as a result of the high prices to which cocoa was driven a year or two ago the American manufacturers set to work to find a substitute and they were extraordinarily successful. They discovered that they could make up from some mineral oil a substance of the texture of the casing which goes round a chocolate. That film could be given the flavour and taste of chocolate and it had the added advantage that it did not go sticky in hot weather. It is true that that substance cannot be produced as cheaply as cocoa is at present but the existence of such a substance at a moderate cost of production does mean that the prospect of any boom in cocoa in the future is somewhat remote. That story was told me by a representative of the American Cocoa Manufacturers so you can take it at what it is worth.

Now last year I said that no one admired more than I did the policy of our Financial Secretary who has built up safe reserves and I repeat that remark; but I cannot pay the same high tribute to his abilities in estimating revenue. He very frankly told us yesterday that he was mistaken and I fear that he is still too much of an optimist. You argued, Sir, that over the year the Customs dues would fall short of the Estimates by £636,000. That, I think, is underestimated by, I should say, at least £50,000. I think my Honourable friend the Financial Secretary, has noticed the slight improvement in the January returns and seen in them an indication that things are turning for the better but I do not think that they can be relied upon. I am afraid that February and March will show a greater deficit. I think you will find that the figures for February are available from the Customs now and if those figures can be obtained I think perhaps Council might hear what the February figures are.

Now, what has been done to effect economies in the administration? I am afraid, in my opinion, not very much. Going through the Estimates you will find that travelling allowances have been cut, transport and items of that sort. To my mind that means that your officers are grinding out files rather than doing work for which they were originally intended. I

cannot see that there has been in any department any tendency to tackle the matter seriously. I shall take the Provincial Administration as an example of what happens. On page 78 of the Estimates you will find under Provincial Administration an increase which we expected for the Chief Commissioners. In the next item further down there is a decrease of £9,000. The footnote there says that that decrease is due to an over-estimate for 1938-39. It is very doubtful whether that £9,000 represents any decrease at all. A further footnote includes provision for thirty-two Cadets to be appointed. Thirty-two Cadets seem to me a very large number out of a total force of about 390. I cannot see that there will be very much real decrease there. We have a further decrease of £2,900 a little further down but that is more than made up for by the three items above—increases in items 12, 13 and 14. Now under the heading of "Other Charges" transport allowances are down and travelling allowances are down. I hardly consider those to be serious methods of economy. On page 80 the only item that is reduced is "Temporary Buildings" and I should imagine that reduction is due to the fact that permanent buildings whose upkeep comes under Public Works have replaced the former temporary ones. The Registry of Co-operative Societies appears under another heading. That, Sir, is one example of the way in which economies have been made and I think in Committee Honourable Members will find something to say on the subject under the various heads.

Now, I suggest that it is time that Government seriously enquired into the possibility of replacing the senior European staff by Africans. We seem to get very little further year by year. When I first came to this country I was told by a few people that an African could not be employed in a post of responsibility and be trusted but ever since I have been in this Colony I have endeavoured to find Africans who can be prepared to take the place of Europeans. I have had success in this; it has been uphill work but I am finding a few men coming on whom I can trust to replace the European staff and I feel sure Government will not go wrong in going faster towards giving the African a chance to reach a higher place in the Civil Service. I think it might be worth while to create a Grade II Civil Service to which the very best Africans educated at home and Yaba and other Higher Colleges might be admitted at an earlier age. They should not go through the drudgery of climbing a long Civil Service ladder for promotion. With that I think must go the power of dismissing them or reducing them to the lower grade of service as it at present exists. These boys will then know that at least they have good prospects and if they can hold the responsibility of going ahead much faster than they can do at present.

Another point on which I am afraid I am going to be unpopular is that the present scale of salaries of the Clerical Service is too high. We have an amazing disproportion in this country between the wages paid to the clerks and the skilled artisans. Your senior Government clerks are doing work which in England would be done by a lady typist at £3 to £4 a week. At home your master carpenter would get £5 to £6. Here he gets four shillings a day as against a highly paid clerical civil servant. As a result your schools are filled with boys who wish to pass examinations and despise the work of the artisan. You can hardly find a capable carpenter in Lagos at the moment. Men will take unskilled clerical work at high rates rather than manual labour at little over the cost of their food. The consequence is a growing number of unwanted clerks. I trust the Government will give this point really serious consideration. Further, I am sure that work in the Government offices should be reviewed very carefully. I have a good deal to do with many Government offices and what strikes me is the tendency which is becoming more pronounced for the Residents' offices to become Post Offices. I have on my desk at this moment awaiting signature a lease for a small piece of land at a rent of £9 a year. That has already been through the District Officer's Office and the Provincial Office and has come back to me and it will eventually reach Enugu and stay there about ten or eleven months and I shall probably get it back marked "Urgent". I think a good deal could be done, Sir, by a freer delegation of authority to the Residents by the Chief Commissioners of the Northern and Southern Provinces to avoid multiplication of work.

Now, Sir, the proposals in the Budget before us to make up the deficit are under three heads. There is new taxation on the old lines, an excise duty on locally manufactured cigarettes, and the income tax measures. I am not going to say much on the first of these though I am inclined to think that the increase in the duty on gin will lead to an increase in illicit distillation. The Honourable the Financial Secretary has no doubt weighed this very carefully. He told us yesterday that the duty on cigarettes would not be passed to the consumers but at the same time indicated that we should probably have a shorter cigarette and a good deal more Nigerian tobacco mixed in it.

The Hon. the Financial Secretary:

I did not say it would not affect the consumer. I said it would not affect the price of any particular cigarette.

The Commercial Member for Lagos (The Hon. R. M. Williams):

I stand corrected, but the price of cigarettes has already gone up. The increase in income tax was, of course, expected, and I should not have opposed an even greater increase. The Companies

Income Tax Bill, however, is, I think, unfortunate in its method of presentation. It was presented yesterday under a certificate of urgency. I do not see why. There was no question of forestalling involved. It was in the Printer's hands on the 6th February and there has been no objection, so far as I am aware, to the principle that Companies trading in Nigeria should contribute to the revenue of the country. I think there should have been consultation with the interests involved before the Bill was drafted and if that had been done, I think we should have seen it in a very much better form to-day. I am not going into it at any length now but I should like to point out just one or two of its more glaring defects. First of all, its incidence is such that a very large part of the foreign trade of Nigeria is not affected and from the rest I very much doubt whether the return will be anything like the £120,000 which has been estimated. A further great disadvantage is the difference between the duty under the Bill and the ordinary income tax duty. I should say that this means that the Bill, as it stands, sounds the death knell of Joint Stock enterprise in Nigeria. The Honourable, the Financial Secretary, said yesterday that the bulk of the money received under this Bill will be recovered under the double income tax regulations at home and this I believe is quite correct but I myself should be sorry to go down to posterity as a man who charmed the British tax payer with the chimes of a silver bell and at the same time picked his pocket of £120,000 a year.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Your Excellency, this being a budget session it is expected that Honourable Unofficial Members will turn their searchlights on the activities of the Government for the last twelve months and criticise its financial sense constructively as regards their economy and extravagance and also the general administration. Before going on with my general speech I should like first of all to congratulate, Sir, the Honourable the Chief Commissioner of the Eastern Provinces on his appointment, not that I do not wish to congratulate the Honourable the Chief Commissioner of the Western Provinces but that which matters to me most is the Chief Commissioner of my province. I feel, Sir, that the choice has been a very good one. When Mr. Hunt was going away the people were rather speculative as to who would be his successor and what sort of a man he would be like, but we have here a Chief Commissioner who has been described by Your Excellency as an accomplished Easterner. It is quite true. I do not think that there is any division in the Eastern Provinces that the Chief Commissioner does not know and I know, Sir, that he is a very sympathetic man where native interests are concerned.

Now, Sir, I should just like to touch on a point which has been discussed by the Honourable, the Commercial Member for Lagos before I forget it, and that is the question of salaries of African clerks. During the 1925 budget session in this very House an Address was delivered by Sir Hugh Clifford, then Governor of Nigeria. I now quote from page 13 of that address he said:—

“ I have occasionally heard it suggested that the treatment meted out to the Public Service in Nigeria erred on the side of generosity; that Government could have driven a better bargain with its servants; and that the Treasury was burdened with annual charges on account of personal emoluments upon a scale which the finances of the country could ill afford to meet. Especially during the years of financial stringency, anxiety and stress through which we have recently passed have criticisms of this description made themselves heard, from time to time; and recently, with a sensible reduction in the cost of living, compared with that which ruled in 1919-1920, it has been found possible to effect some economy by lowering the figures which represent the initial salaries offered to public officers on first appointment. With the strictures which I have cited above, however, I have never found myself in sympathy or accord. I am glad to think that this Government met the requirements of its servants in a spirit of generosity, rather than in one of parsimonious haggling and bargaining for, in my judgment, the fact that it did so has produced results the value of which cannot easily be estimated in terms of pounds, shillings and pence.”

These are the words of another Governor and I fully endorse them. I do not feel that the African staff has been too highly paid. After all if the African staff is highly paid the money goes nowhere. It remains in Nigeria. It is certainly where the European staff is highly paid that the money goes to Europe. It makes all the difference.

In dealing with the departments, Sir, I should like to start with Agriculture. I have recently received certain complaints from Produce Inspectors with regard to their leave arrangements. These men, some of whom are natives of Lagos, are employed as Produce Inspectors and are transferred to Aba, Onitsha and Calabar. They are given two weeks leave annually and they are not allowed to accumulate. The man who works at Calabar and is a native of Lagos gets two weeks leave and by the time he gets to his home his leave is finished. I am suggesting, Sir, that this question of leave should receive certain consideration. I think arrangements may be made to appoint men who are natives of these places or they should be allowed to accumulate. The next

question under Agriculture is with regard to Agricultural students. Your Excellency, it is quite true that to-day, and it has been so for many years, the tendency of every boy who is going to a Higher College or a Secondary School is to seek for a clerical appointment. But who is to blame? It is the Government. I say this because I can remember in the early days when Southern Nigeria was first founded the Government had to send an Assistant Secretary to Sierra Leone and the Gold Coast to recruit clerks. The conditions of service then were an initial salary of £50 per annum, and in addition the man gets a second class ocean passage with three months leave with full salary which expires at home before he returns. The maximum pay of an African senior clerk then, now Chief Clerk, was £300 per annum. Whereas the African Foremen Carpenters and Engineers get a maximum pay of £150 per annum. He gets a deck passage and two-thirds of his leave pay provided he returns. With those conditions everybody wants to be a clerk. Take the case of an agricultural student. We have been urging upon these young boys to go back to the land, still we find that the present position is that in the case of two boys entering the Yaba College, one going in for teaching and the other going in for agriculture; the boy who takes the teaching when he finishes in three years starts with £88 whilst the boy who takes agriculture takes four years to finish and he also starts with £88 per annum. Naturally the tendency will be for teaching. The Government is again depreciating one for the other. This is the system of economics which is also practised in England. For instance a man who works at a Ford factory and merely turns out bolts gets three guineas a week and perhaps an agricultural man who had studied scientific agriculture gets about twenty shillings a week. Now, Sir, I know that is so but when I looked at the Estimates I discovered that when it comes to the top the Director of Agriculture and the Director of Education get the same salary. There is no discrimination there.

Now, Sir, with regard to the question of the Customs regulation for increased duty—I mean the amended tariff which was introduced yesterday—I wish to say, Your Excellency, that I strongly oppose the additional taxation on bicycles. Bicycles may be regarded as a luxury in Lagos but they are a necessity in the provinces, such as Onitsha, Aba, Ikot-Ekpene and part of Benin-Sapele Provinces. The price of produce at Oguta two weeks ago was nineteen shillings a puncheon of oil and a puncheon of oil is forty petrol tins of oil. Now, Sir, if at the time when the price of a puncheon of oil was £5 the price of a Raleigh cycle was £8 10s. how can we be justified now when the price is nineteen shillings we tell them that they have to pay about fifteen shillings more for the same Raleigh cycle? That will be creating a disturbance. The people in the Eastern Provinces do not use

bicycles as a luxury. Take a man at Orlu Orokigwi he is about eighty miles off Oguta which is the trading centre. He gets a bicycle and he has four tins of oil which he ties on the carrier and he cycles through sixty to eighty miles still to sell the oil at such a reduced rate. The man at Ikot-Ekpene has to go to the market at Itu or Oron with his cycle where he can get a better price. Sir, I do not think that at this particular time when the price of produce is so bad that these people must have to pay more for their cycles. I should like to see taxes on motor cars. People who can afford to buy motor cars should be able to pay £2 or £3 more. I should like to see increased taxes on whisky and gin, but not on bicycles. People in this part may not know the use in which bicycles are put in the Provinces. I strongly oppose this additional tax on bicycles Sir.

Now, Sir, with regard to Education. Here we have a new Director and I welcome him. I have something to say about the educational policy of Nigeria. For the last ten years we have had three or four changes of Directors. Each Director comes round with a new policy and the Missionary and assisted schools have to follow up. Not long ago we had a Director of Education whose policy was that assisted schools should have supervisors of schools and that Government was going to pay their salaries. Well, Sir, we all know that it is not an easy thing to turn out supervisors in a day; the missionaries had to send to Europe to see where they can get suitable men. Before some of these supervisors arrived in Nigeria the Director had gone away, and another Director came whose policy was to get science masters. The missionaries had to follow suit and sent to England in order to recruit men who could teach science. That Director went away and another one came who said that agriculture was what he wanted. There is no harm done with regard to the Government schools but with regard to the Missionary schools it is harmful because some of these Missionary schools have had to absorb some of those men who came out as supervisors to be headmasters. Others cancel the appointments. I think, Sir, we should have some assurance of a continuity of policy in the Education Department.

With regard to Judicial Department, the Honourable the Chief Commissioner, Southern Provinces, and most of the Residents here will bear me out that there has been a multiplicity of land cases in the Southern Provinces. These cases come up over and over again, and I must say that although it has been held, and I know it is the opinion of certain Administrative Officers, that Native Courts are the best Courts to determine land cases, I begin to see that the Native Courts are in difficulty in this respect. No plans are made and no beacons are set down. Client A says I am claiming recovery of my land called "X". Judgment is given,

and there is no boundary demarcated. Few years after the case comes up again. The defendant says that there is no boundary and that the plaintiff has encroached and the whole case starts over again. I am suggesting, Sir, that it is about time to consider the creation of a Land Court, the judgment of which will act as a registration of titles and plans should be drawn up, thereby putting an end to litigation as regards land in the provinces. It is not the barrister who fleeces the people. For every £25 paid to barristers about £60 goes to interpreters and others connected with land cases, and if Your Excellency will just take a trip to Onitsha and see buildings put up by Court clerks and interpreters Your Excellency will be surprised. I notice, Sir, that quite recently Your Excellency has had to appoint another African from the Bar to the post of Police Magistrate and I also read through the local dailies that you anticipate appointing another one on the 1st of April. I would like to say this, Your Excellency, that much as I welcome these appointments I feel that barristers practising in the provinces have been overlooked for appointment. I do not intend to question the merits and demerits of the people appointed, nor do I quarrel with their appointment but I feel Sir, that in future young barristers in the provinces who are also capable of being appointed Magistrates should be considered. Not one of them has had the privilege of being appointed to the post of Magistrate. I exclude myself because I have passed that stage but if anything I would like to be a judge (applause). There is another point under Judicial which I should like to mention and that is that it has become rather improbable, if not impossible, for Africans to be appointed Judges in Nigeria, but this much I wish to say, that Your Excellency should take steps to have the dignity of a King's Counsel conferred on certain members of the Bar. After all the Gold Coast has always given us a lead. They were the first to appoint an African Magistrate. They also have an African as a Judge and even an African as a Solicitor-General. Your Excellency, let us give them a lead in this Colony by appointing certain members of the Bar to be King's Counsel. I know that this question was raised some time ago and the answer given then was that the reason why it has not been done in Nigeria is because barristers here practise both as barristers and solicitors. I do not know where that information was got from. I have looked up the Law List of 1936 and I discovered that in the Dominions, in Canada, most of the barristers are King's Counsel and they practise as barristers and solicitors. Now, Sir I go further and say that the answer may be that in the Dominions they have their own laws, but I looked up the Crown Colonies. I looked up British Guiana—that is a Crown Colony—and at page 310 of the 1936 Law List, an eminent barrister there—my own contemporary—is a King's Counsel, Mr. Sydney Van Sertima, K.C.,

barrister and solicitor. So that I do not see that the answer which was given at that time applies to-day. Perhaps the Honourable the Attorney-General will enlighten us. I see that the Attorney-General is himself a King's Counsel and he was a Solicitor-General which implied that he was a solicitor.

Now, Sir, I turn to the Medical. I have also received certain complaints from the vaccinators in the Medical Departments. These vaccinators feel that the highest they can get to is £72. They would like certain provision made whereby they could be transferred to another branch known as Sanitary Inspectorship because where a boy leaves school and he can get no other appointment he accepts appointment as a vaccinator and he is tied down as he has no prospects of any promotion. Another point, Sir, I do not know whether the Honourable the Director of Medical Services has anything to say about the quarters built at Enugu for nurses. Your Excellency, I am certain that if any private firm were to submit a plan for such building the Medical and the Health Departments will turn it down. It is one little pigeon hole with no windows. It is disgraceful and they should not be called quarters built by the Medical Department for their staff and I challenge anyone who say they are alright to go and see them.

With regard to Posts and Telegraphs, Sir, I do not know whether it will not be more economical if the transport of mails within Lagos, Apapa, Iddo and Ebute Metta is carried on by contracts than by the Post Office to have to do this by means of their own transport with the consequent replacements of lorries, uniforms for drivers, etc. I think there will be a saving in this if the contract is given out to private contractors. Under legislature I think the Honourable Member for Ibo Division will have something to say because the two of us seem to be the two members here who are saddled with unlimited constituents. As I am standing here I do not know where my constituency begins and where it ends. I asked once that the Rivers Division should be defined and I was told it covers all navigable rivers in Nigeria (laughter). It means also that if a lagoon can be called a river I am also representing Lagos. As for the Honourable Member for Ibo Division he will speak for himself. In former years the people were not much alive to their rights. To-day they know their rights and they demand them. They call upon us to give a report and we are commanded to attend certain meetings by the Chiefs. We have to go. Government does not provide transport for us at any time. Take a place like Brass. If I want to go there it means that I have to charter a launch or wait for a canoe but I am not prepared to risk that. In places like England I think their constituents have certain funds. What I am asking this Government is that I do not say that warrants should be given to me in

order to visit my constituents but I feel that if an ordinary clerk who owns a motor cycle has the facility of buying petrol at Government price from the Public Works Department I too should be given that facility to buy petrol at Government rate if I want to visit my constituents.

With regard to the Police Department, Sir, there again I think it is only in Nigeria that such lock-ups as we have right round Nigeria obtain. Your Excellency, I have not been to any of these lock-ups to interview a client where there is a bed or blanket. A decent man may be arrested perhaps by an inexperienced constable and may be kept in a lock-up and nothing is provided for him to sleep. He must remain and lie on that mud or cement floor until the following morning and perhaps the next day and in the end they say there is no case. Well, Sir, I feel that arrangements should be made whereby even bamboo beds can be supplied to these lock-ups. It is not fair.

Now, Sir, Nigeria is a big place and I am sure that the Secretary of State for the Colonies exercises all precautions in the appointments of officers to the various departments in Nigeria. I feel confident that the Director of Agriculture and his staff and the Director of Forests and his staff are no exceptions. I say that convincingly because I have been to Ibadan and I have spent time in these offices. Sir, about two years ago we had to get an Agricultural Officer from Sierra Leone to come to Nigeria and advise us as to whether our soil was good enough to grow a certain kind of rice. Your Excellency told us in your Address that we had to get a man from Malaya to advise us as to the manufacture of our timber. Does it mean that we have no expert in Nigeria competent to advise us unless we appeal to other places?

Your Excellency, another point I wish to draw attention to is that it has become too common of late to read in the local papers of a Government official proceeding on leave and being given "Send-off". I think it is about time that the Government should take steps to put a stop to it. I can agree in the case of an officer going on transfer or retiring, but to-day every officer proceeding on leave is given a "Send-off" and we read "Group photograph taken and drinks were profusely served". At Ondo an Administrative Officer went on leave and we read in the local papers that presents were given to him. We read also that even chiefs brought their own presents and the ladies too brought their own. Well, Sir, I think it is time some action is taken for this reason. Supposing that officer on his return from leave is sent to another station, and when he is proceeding on leave he is given no "Send-off". That officer will feel that his administration has been a bad one. Suppose he is sent back to the same station which gave him the "Send-off" he will have to be over-good to the people and when an officer is over-good he is no good.

I notice, Sir, that the West African Governments have taken the trouble of introducing to us new coins, but I am afraid, Sir, that these new coins will not defeat the counterfeiters. At Aba the other day—two weeks before I left—four counterfeit coins were brought to the Superintendent of Police and one of these could have been passed by anybody. As I was coming I had an interview with the District Officer at Owerri. He had eight pieces of the new coins in counterfeit. The problem is not yet solved. A police officer told me that in the present coin the milling is so refined that it makes it so difficult to detect counterfeit from genuine coins.

There is another little point with regard to the Judicial Department which I would like to bring before this House and which I think the Attorney-General will perhaps see to. It is this that under the Protectorate Court Ordinance where a person is convicted and sentenced to a term of imprisonment and wants to appeal he has to purchase a copy of the judgment and pay a fee of ten shillings for appeal. Meanwhile he is in the prison serving his time. But where a man is sentenced by the High Court and he wishes to appeal to the West African Court of Appeal, his papers are all free. As an illustration, the other day there was a case of riot at Port Harcourt in which about 100 men were sentenced. I am not going into the merits or demerits of their appeal, but these 100 men wanted to appeal. They were asked to pay six shillings and eightpence each man for a copy of the judgment and ten shillings for filing the petition of appeal. They could not afford it. Had these men been sentenced by the High Court all that they would have had to do was to fill in a form and not a penny would be paid. I think there is a bit of injustice which should be remedied.

There is another point I wish to bring forward, Sir, and that is about prisoners who have been sentenced to death in the Protectorate Courts. Now, Sir, the position is this that a Judge sits in Court and the man is brought before him charged with murder and he is sentenced to death. The relatives of the deceased are quite satisfied about that. That man is taken away to be executed in another prison and he is seen no more. He appeals to the Executive Council who sees fit to commute the death sentence to one of imprisonment. The people in the village know nothing about that man again. After five years he rolls in to the village again and says "here I am". The people would ask themselves, "So the white man was fooling us all the time when he said he had killed this man". Therefore I wish to advise Your Excellency that where a conviction is quashed or where the sentence is commuted that action should be taken for such a thing to be made known in the Native Court of the area where these

people come from, and where a prisoner is to be executed that one or two of the relatives of the murdered person should be invited to witness the execution. As a matter of fact there was a time in Nigeria when we had public execution.

I notice, Sir, that Your Excellency said nothing about the Cocoa Commission yesterday but I do not know what has happened because at the last October Session a question was asked by the Honourable Member for Calabar and the reply was that this Government was making certain recommendations to the Secretary of State. We would like to know whether a reply has been received to these recommendations, because this book (Report of the Commission on the Marketing of West African Cocoa) has been circulated. To-day we have more educated people in Nigeria than we had many years ago; the educated and the semi-educated. The man who reads and understands and the man who reads and does not understand but who attaches his own interpretation to it. If Your Excellency would look at page 103 of the Cocoa Commission Report, paragraph 324—it says “As regards overhead charges, it has been stated to us by witness with experience of produce buying in other tropical countries that expenses in West Africa are abnormally high. One of the firms concerned only with cocoa-buying has one European employee for every 2,000 tons bought. A coast representative of the United Africa Company estimated in evidence that the overheads of the Company's cocoa business amount to £110,000 if the normal share of the crop is bought and to £70,000 if no cocoa at all is bought”. Now, Sir, what applies to cocoa applies to kernels and applies to oil. The Honourable, the Commercial Member for Lagos has just told us that certain synthetic cocoa is about to be introduced. We are not afraid as far as cocoa is concerned because as he himself says the news came from America and we must accept it as such; but what I wish to say is why should there be such a high overhead charge in the buying of produce? And it boils down to this that all these overhead charges are being paid for by the producers and, Your Excellency, when one comes to think of it and we hear rumours about some of our traders—and these may not be true—but we have been told that certain agents after finishing their twelve or eighteen months tour get bonuses of some £2,000 (objection by Mr. R. M. Williams). I am not referring to the Honourable the Commercial Member for Lagos. He is here present as an Unofficial Member of this House. I am saying that natives hear certain things and they are curious to know whether these things are true or not. They feel that if these rumours are true then the producer carries the “baby” all the time.

There is one head in the Estimates, Your Excellency, which I wish to discuss and that is the Veterinary Department at Vom. Your Excellency said yesterday that the Director of Transport's

Department is not one that can show us attractive articles in his shop window, but this department at Vom is perhaps in a curious position. We are asked year after year to allocate Personal Emoluments of £27,742 to a department at Vom and I would not say the expenditure is not justified but there is not one African Unofficial Member of this House who has been at Vom to see how this money is being spent. The reason is because we are not given facilities by the Government to travel. I am suggesting, Sir, that where an Unofficial Member can find the time to go to places like Vom, and he wishes to go himself (because after all we form the Finance Committee), I think Government should give him free transport to go there. This is all I have to say, Your Excellency, except that there is a big contrast between the address of yesterday and the address of 1925, because the address of 1925 (page 1, just three lines down from the beginning) says "and because the export trade of Nigeria quickly reacted to this stimulus, and has already brought to us a revival of trade which, for the first time for more than a decade, may reasonably be judged to hold out some promise of permanency". In that of yesterday Your Excellency said "This year both retrospect and prospect are equally gloomy". We as Unofficial Members will have to share with Your Excellency the burden which you have to face in balancing the budget. As the Honourable Member for the Egba Division said, no reasonable and conscientious person would say that we are not going to allow certain measures to be adopted whereby the money can be got to administer the country, but, Sir, in doing so I am asking that it should not be done to the detriment of certain classes.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency—First of all I desire to express my appreciation of the very clear and informing Address which Your Excellency delivered to the House yesterday. We thank Your Excellency for the kind welcome extended to us and join in wishing that our task might have been carried out in a more cheerful atmosphere.

Your Excellency, the Estimates which we have to consider this year have been described as one casting a gloom over the whole House. They do not give cause for much optimism, although the Honourable the Financial Secretary tells us he is still an optimist.

With regard to the Revenue Estimate, I should agree with the Honourable the Commercial Member for Lagos in thinking that it is a bit over-estimated. If we look at the revised Revenue Estimate for 1938-39, it is £5,698,000 and we now expect to get £6,215,000 for 1939-40. I am afraid there are no factors indicating any improvement in the situation and that we have been too

optimistic. The country has been passing through very difficult times and it would appear Government does not fully realise the suffering, anxiety and distress which these times are causing the native population. One reason why I say this is because to suggest that the people are better off merely because the Savings Bank Deposit this year was £22,000 over and above what was saved the previous year seems to me to show that the difficulties of the people were not appreciated. The Savings Bank offers a higher rate of interest than the other banks. The other banks offer one per cent interest on deposits but the Savings Bank is able to give two and a half per cent. It is only natural that as the people come to know of this, they should transfer much of their transactions to the Savings Bank. I believe that much of the recent increase and continued rise in the Savings Bank deposits is due to this fact. I put this forward as an explanation of the reason why there has been a continued increase in the amount of the Savings Bank deposit.

Now, Your Excellency, I would like to speak of Government expenditure and in doing so will endeavour to reflect the views of the ordinary man in the street. It is very difficult to make the ordinary man in the street believe that Government is really making economy. It is also very difficult to convince him, as the mail boat comes in with new appointments and as new provision for more men appears in the Estimates, that Government is not well off. This year, as has been observed by an Honourable Member, we have provision for some thirty-five new Cadets in the Administrative Service, that is about thirty in excess of the establishment of the previous year.

As in the Address for last year, it was made definitely clear that the prospects were not bright, one would have thought that arrangements would have been made to cancel these appointments and so leave the establishment as it was. Not only was this not done, but this year, we are in again for an increase of twenty or more Cadets—a fact which would not impress the ordinary man in the street that Government was making economy. It is an admitted fact that the most expensive side of Government administration is the pay of the European establishment. Well, Sir, seeing from time to time new men coming into the country—new appointments being made when we know that economy is necessary, it is difficult as I have said, to convince the ordinary man in the street that due regard is being had for economy.

Another point that I would like to deal with is the statement that the African staff are being overpaid. The argument used seems to be a very plausible one. First of all, I would refer to the fact that there had been revisions of African staff salaries four or five times during the past fifteen years and the Committees

responsible for the work went into the different factors before arriving at the decisions they arrived at. It should be pointed out that on each occasion that the revision of the salaries of the African staff had been made, it had been made at a time when there was depression. In 1920, when the European staff salaries were revised, there was the 'boom' in trade and general prosperity, but revision of the African staff salaries was delayed until November, 1921, and the Secretary of State then remarked that revenue and the cost of living also had fallen considerably. Since then, there had been two or three divisions. At one time, Government took the step of reducing the initial salary of clerical probationers to £24 per annum, but shortly afterwards, owing to the large number of resignations of men who found £24 insufficient for their support, Government had to increase it to £36. Now, in 1932, there was depression and, as usual, the African staff salaries came in for consideration and what we have now is the result of the recommendations of the 1932 Committee. Some times, when it suits some people, we are told conditions in England should be brought to bear; at other times, we are told No! the conditions in England are entirely different.

Your Excellency, turning to the departments, I should like, first of all, to deal with the Agricultural Department. Your Excellency has just told us of the fact which we all very much appreciate, that there has been an increase of palm-planting during the present year, but Your Excellency, to what good purpose is this, if, conditions being what they are at present, the people are still encouraged to plant more palm without some definite steps being taken to promote or safeguard the interests of the native producers? It is true that firms pass round prices to be paid and although there is no written agreement yet they fix a common price. This is just what we call a "Pool". The farmers go everywhere to find that the same price obtains.

Your Excellency, Government has still not given us any decision as to the recommendations of the Cocoa Commission. In fact, I was expecting some announcement in Your Excellency's Address as regards Government's attitude towards these recommendations. So far, no mention has been made of the matter.

It is very gratifying, Sir, to learn that Government is encouraging the fruit trade. I congratulate the Government on this. I think Government should be congratulated whenever it does anything deserving of congratulation. I hope Government will endeavour to encourage this trade further by every possible means.

One of the things that strikes one is that in the Agricultural Department, scholarship has not been provided for an African to obtain University training and become a member of the senior

staff. I know that one or two of the pupils locally trained have gone to Trinidad for refresher course, but what is required is training in a University and I look forward to the day when Government will see its way to provide scholarship which will take an African student to an English University or elsewhere for the purpose of acquiring the necessary qualification for a European post. It is an admitted fact that it is better, if suitable candidates are available, to appoint Africans to fill such posts.

Now, I turn to Education. From Your Excellency's Address, I gather that the policy of the department is, whenever funds are available, to encourage the opening of more elementary schools—a policy with which, I am sure, everyone of us will agree. The number of children attending schools in Nigeria is proportionately less than the number attending schools in the other West African Colonies and I hope early steps will be taken to correct this.

I sometimes feel that the importance of education to administrative work is not sufficiently realised. Those who have been studying the question will admit that the more the people are educated, the easier will be the task of Administrative Officers, for the people will be able to understand things more readily and much of the difficulties at present experienced will disappear.

Now, Sir, another point I cannot understand is about Unassisted Schools. These schools supply a great need in the country and it is strange that children from these schools, if my information is correct, are not allowed to take examination which children from Government Assisted Schools take. For instance, if my information is correct, children in private schools are not allowed to take Class IV Examination and so on. As the passing of these examinations is required for the purpose of securing employment and not only children from Government Assisted Schools are good—there are also good boys from Unassisted Schools. I think the time has come for the position to be reviewed with a view to allow children from Unassisted Schools competing with children from Government Assisted Schools at these examinations.

There is another point I would like to bring forward under education, and that is about scholarships to Middle Schools. Three years ago scholarships to Middle Schools were instituted for boys who pass the First School Leaving Certificate Examination with distinction. Six of these were selected for training in King's College on the first occasion, and all of them were then taken in as boarders; but on the second occasion, those selected were told that there was no money for them to be taken as boarders. This year, they have been told that all that Government can do for them is to allow them to attend school free but they are to find everything for themselves. Some of the parents of these boys are

very poor and I think that as the amount involved is so small the boys should not be deprived of the opportunity which now offers because no provision has been made for the small grant necessary to enable them to obtain a sound education. Up till now, Your Excellency, those who qualified last November, have not been granted admission to the College.

Now, Sir, a lot is being said about teachers. I appreciate that the work of a teacher is one of sacrifice. It is always the case that it is the man who earns a small salary and therefore can save very little whose future we take very little interest in assuring. I feel that it is time Government should do something to help these men. They have already started some self-help scheme and have subscribed about £1,125 out of their salaries. They are very keen about the question of having something to live on when they retire and they need Government assistance which should not be withheld.

Now, coming to Forestry, I must say that one appreciates the purpose for which Forest Reserves are constituted; but from reports that one receives, one is afraid that a great deal of hardship is being caused. Some people who had lived for many years in certain forests had woke up one day to be told by Forest Guards that they had to remove because the area was reserved. The people who had no means of livelihood apart from their land had now to move to another area and settle among another set of people and be subject to a new Chief. I think this is a hardship which some steps should be taken to mitigate.

I hope the visit of Major Chipp will be of incalculable benefit to the country and that as a result, we shall be able to make more use locally of Nigerian timber, the possibilities of which he comes out to explore.

Here, as in the case of the Agricultural Department, I would like to suggest that Africans be sent abroad for the purpose of qualifying for appointment as Conservators of Forests. Two Africans were so trained before, one of whom was the Curator in charge of the Botanic Gardens at Ebute Metta, where the present Police Magistrate's Court is, and the other was at Olokemeji. I see no reason why this should not be the case now.

Under Geological Survey, I think the work deserves every consideration. Those who have lived outside Lagos know the value and importance of having good water and I therefore think the work of this department deserves every consideration and encouragement.

It is with a good deal of gratification that I learnt that there is going to be a Labour Department under the Chief Secretary. Labour conditions generally in this country are becoming rather

unsatisfactory. Apart from this, it is felt that Government has in the past, not given sufficient attention to the question of training Africans with a view to their replacing Class "B" Officers. It seems somewhat difficult to believe that, after about thirty or forty years we have still to import Foreman Platelayers. Some years ago, in the Locomotive Department of the Nigerian Railway, Africans were sent to England to be trained as Locomotive Fitters. Those so trained were reported on favourably as their work was good, but they were not encouraged. A lot has been said about our youths not going in for technical appointments but as I have said, the question is what sort of treatment these youths receive?

A case has recently come to my notice. In the Railway Mechanical Department some five years ago, certain youngmen were employed. They were taken on a five-year apprenticeship indenture and later were promised in writing that if they continued to do well they would be placed on Staff Grade, but no sooner the man who was responsible for this arrangement left the Colony than they were discouraged. Most of these youngmen have completed their apprenticeship since August last, but they have been kept on the same pay and not given the increase promised. What will be the effect of this if they were to tell school boys of their disappointment. These boys will say it is better to go where they will be sure of their position and where their appointments will not be subject to such fluctuations. This, Sir, is one reason why promising youths do not want to go in for technical appointments. I may say this to the credit of the Director of Marine that very little complaint has been heard about his Department. I know of many youths who have taken advantage of the opportunities which are being offered in that Department and I am sure promising youths will make use of similar opportunities elsewhere if the handicaps and discouragements to which I refer are removed.

Now, I come to the Inland Revenue Department. This Department has recently undergone reorganisation, but I regret to observe that in the process of the reorganisation the only Higher Appointment for an African has been abolished. I think, Your Excellency, this has been done through a misconception. The holder of this post was paid £150 a year because he was a pensioner and according to the rules, he could not be paid the full salary of the post. He was a Chief Clerk before he retired and cannot, on re-appointment, be paid more than he was getting when he was in the service. He was therefore given £150 per annum which was the difference between the salary of his former post and his pension, though the officer he succeeded was a European. As I have said, I am disappointed to find that this post has been abolished and I hope, Your Excellency, now that the matter is

brought to notice, arrangements will be made to restore the post to the African staff. It is one of the very few opportunities that Africans have.

I come now to the Land and Survey Department. Your Excellency, I observe that in this Department every effort is being made towards effecting economy, but it would appear, and many of us feel, that this is a Department which should possess more Africans who are capable of holding posts of Europeans. Some fifteen years ago, there were five African Surveyors holding posts of Europeans; some of them had retired, one had died, and it remains only one in the service to-day and all this time the Survey School has been turning out men. If the men turned out were properly trained, there is no reason why more trained men should not be available to hold European posts.

I should here congratulate the Commissioner of Lands and Surveyor-General because the mistake made last year in showing in the Estimates the only African holding higher appointment as occupying a lower rank has been corrected this year and I hope we shall have more Africans holding higher appointments. If the Survey School justifies its existence there is no reason why it should not produce more Africans capable of holding European posts.

As I have said before, I have nothing but praise for the Marine Department. It has kept to the same liberal policy and still upholds its laudable tradition.

Medical Department. It is being rumoured that the Sanitary Labour Vote is to be reduced by some £7,000 and that the Anti-plague labourers are all to be disbanded. I think, whatever happens, we should not make such drastic economy as would jeopardise the health of the community. Those who know something of the useful work being done by these anti-plague labourers would agree that it would be a bad day for the country if they are disbanded. Going round Lagos whilst these men are working, one sees the amount of clearing out that is being done and one cannot tell what would happen if the services of these labourers are dispensed with. Although the original strength was considerably reduced during the 1931-35 depression, it was not then considered that the services of the men could be entirely dispensed with. I hope Government will consider this matter seriously and see whether we cannot still retain their services. Another point. In disbanding about 130 men who are not all natives of Lagos one would like to ask what Government intends to do for them as some of them had served for ten to fifteen years. I do not know when their services will be dispensed with but I do hope that those of them who are eligible will be paid *ex-gratia*

gratuities. I also hope that Government will grant facilities to travel to their homes by Government steamers or train to those who belong to other parts of the country. Already we have too many people crowding into Lagos. I trust this appeal will receive Your Excellency's sympathetic consideration.

Another matter I would like to draw attention to is that this department has still no Africans fit to take the places of European Sanitary Superintendents whereas there are many youths who had passed the examination of the Royal Sanitary Institute. I do not say that examination should be the only test of their fitness, but if opportunities are not given them how could their fitness be readily determined? I think the time has come when something like posts of Cadet Sanitary Superintendents should be created, the holders of which will be trained with a view to replacing Sanitary Superintendents. As I have said, the present scope of expansion in the Technical Departments of Government Service is unduly limited. Now, Sir, I believe, but there is no mention of it in Your Excellency's Address, that there has taken place in course of the year a Medical Conference. I take it that the purpose of such Conference is not only for the benefit of Europeans but also for the benefit of Africans and it is, I think, a pity that in formulating proposals for such a Conference no consideration was had for the Senior Medical Practitioners in the West African Colonies whose knowledge and experience cannot fail to be of inestimable benefit to such body. Apart from this, we have reason, Your Excellency to think that this Conference holding its session in private had, in the past, not been duly mindful of the interest of Africans. It was at one of these Conferences that it was said that African Medical Practitioners should not be permitted to perform vaccinations and that Africans are not fit to hold clerical appointments in the Sanitary or Health Departments in West Africa. Such recommendations emanating from a Medical Conference whose session was always held in private give Africans some feeling of alarm as to what the results would be. I do not wish to suggest that the last Conference had done anything of that sort but what I say is that, in the past, such Conferences had not endeavoured to promote the interest of the African Medical Practitioners.

Complaints still come about the Posts and Telegraphs Department and one is inclined to think that this Department has kept true to its nickname of "Palaver and Trouble". In the past, complaints had been rife, and although there has been a good deal of improvement since, there are still complaints which I hope the new Head of Department will not hesitate to see to.

With regard to the Nigerian Railway, it has been mentioned before that certain boys who were employed in the Mechanical Department were not allowed the pay they were promised in

writing. I think the time has come when the Railway should carefully consider its position in regard to its African staff. We have a lot of educated boys who are prepared to take up technical appointments provided sufficient inducement is offered. I do not wish to go further than to say that the conditions under which these boys are to be recruited should be reviewed carefully and laid down.

I thank Your Excellency for your patience in listening to me.

The Second Lagos Member (The Hon. Dr. K. A. Abayomi):

Before saying anything on the financial aspect of the year under review, I would with Your Excellency's permission quote for my text that part of your address that "both the retrospect and prospect of the country are gloomy."

We have just heard the Honourable the Financial Secretary giving us a very optimistic view of what will happen between now and a year's time, but that view does not coincide with the text that has just been chosen. Therefore as an ordinary man in the street who is not well acquainted with all the technicalities of accounts I would say that what we are really faced with is a heavy deficit which we must try to meet by cutting down our expenditure. I am not speaking as an accounting expert. I am only saying this in my capacity as a private layman but from what we have seen and the arguments involved in this simple statement it appears that at present we cannot afford to import so many Europeans into this country to run the administrative branch of the Government. In the question that was asked by the Honourable the First Lagos Member about the cost of passages of Europeans coming into this country, I think it is stated that at least £112,000 was spent during last year or near that figure. If we find local talent fit to carry out the works that are required for the administrative service I am sure at least we shall be able to reduce the cost of passages and convert the money saved to another useful purposes. I hope Your Excellency will welcome this suggestion and in the meantime take steps to reduce the importation of Europeans into this country.

I see a move is on to increase the income tax in this country. Much as the financial ebb of the country is very low so it is also lower with the individuals in this country. The Honourable the First Lagos Member gave you the reason why deposits in the Savings Bank have run up. With this reason I agree as he is an Accountant but I know for certain that in this country there is an extreme hardship and to increase any method of taxation in the country will be straining the purse of the already poverty-stricken

natives. In any case, as Your Excellency said, we are to face the whole outlook with all seriousness and to look forward to a good day and whatever happens we should be able to meet up without much strain on the estimates.

Now to come to the different items in the Appropriation Bill I first of all take the Education. Your Excellency said that unfortunately grants-in-aid will have to be reduced because Government cannot afford to subsidise fully these schools at present. We all know that those schools which require these subsidies are Missionary schools and these Missionary schools provide the education which forms the pivot of progress in this country. I would have wished Your Excellency to say that whatever happens we would always continue to stimulate these Missionary schools to carry on their work of advancement. If the grants-in-aid are stopped it means that the teachers who are well trained for this special work will have to find employment in other departments because they will get lucrative salaries which they require for their livelihood. Therefore I think Your Excellency should reconsider this matter. According to the question asked by the Honourable Member for Calabar Nigeria is always spending the lowest sum of money on education compared with other sister Colonies. On this point of education I should like to corroborate the point about Veterinary Surgeons. If in this country we could undertake the experiment of training men locally to treat human beings it seems wonderful why the Higher College has not put in its syllabus the training of Veterinary Surgeons otherwise known in England as Donkey Doctors. This country is an agricultural country and Your Excellency said in your address that mixed farming is steadily increasing. In this respect animal husbandry must go side by side and if that is so is it not necessary that the Agricultural Department should have their own Veterinary Surgeons to carry on the work? In this respect I would suggest, Your Excellency, that the Higher College should make an experiment of training Africans as Veterinary Surgeons.

Under Judicial I am not in the same capacity as the Honourable Member for the Rivers Division to differentiate the difference between a Solicitor and a Barrister but I can say that after some experimentation in this country Your Excellency would admit that the African Magistrate who has been tried has proved worthy of promotion and that he is to be encouraged. I refer to the senior African Magistrate who has held with all respects and pride the post he now holds and I look forward to the day when Your Excellency will consider the advancement of the senior African Magistrate to the post of a Judge. In this respect also Your Excellency, the community must express its thanks for the new

posts of Police Magistrate just created. We are just like Sir Walter Raleigh always asking but we hope whenever we ask Your Excellency will always listen to us with rapt attention.

Medical.—My first duty is to congratulate the Honourable the Director of Medical Services for making a start in promoting an African to the post of a Specialist in this country. There are still so many loopholes in the medical administration of this country and starting with the Colony I should like to suggest to the Director of Medical Services that in order to make the African hospital more attractive to the general public I would suggest with due deference that part time doctors should be employed as it is done in other colonies, so that the doctors here may be sent to other places for economic reasons. I would also associate myself with the remarks made by the Honourable the Member for Egba Division that the town of Lagos is in an appalling state of things. And with due deference I would submit to Your Excellency that the Honourable the Director of Medical Services should help the people of this country to enjoy to the full the modern sanitation which has been started here and there. Recently one of the local papers said that during the Health Week Exhibition a man returning from the exhibition collided with a night-soil sanitary man. I suggest, Your Excellency and with due deference that the Director of Medical Services should take steps to help to make this town as sanitary as possible.

We understand, Your Excellency, that indirect rule is taking hold in the Colony at present. This is a very good sign and I hope Your Excellency will see that our Chiefs—especially Oba Falolu—are engaged in doing something and so stop the constant wranglings and disputes, and if this were the case I am sure Your Excellency will consider their being salaried. I say this as a man who knows something about the internal working of the affairs of the present Oba. His dependants consume all his salary and it will be a good day when Your Excellency will consider the engagement of our Chiefs.

I associate myself with the suggestion made by the Honourable Member for the Rivers Division that Your Excellency should encourage those members of this Council who wish to travel and I am sure the experience to be gained thereby will be of benefit to this Council. In this respect I feel that if started all the members of the Council will welcome it. I do not want to take any more of Your Excellency's time but I should like to congratulate the Honourable the Financial Secretary for the way in which he has been able to weather the storm and to come out so successfully.

The Council adjourned at 12.35 p.m. and resumed at 2.30 p.m.

The Member for the Warri Division (The Hon. A. Egbe):

Your Excellency.—I feel I must congratulate the Honourable the Financial Secretary on the Estimates. I think that on the whole he has done very well considering the meagre resources at his disposal. I agree in principle with the proposals to introduce new and increased taxation on the principle that of two evils one must choose the lesser evil. I would rather face new and increased taxation than have the retrenchment here again. As soon as funds permit I trust that Government would do more for the taxpayers in the provinces. They have passed through very very difficult times and are still passing through very very bad times. There is a very important tribe in my Division. As a matter of fact I think I am right in saying that they are the most important tribe in the Warri Province. I refer to the Urhobos. This fine race of farmers and traders have been very hard hit by the economic blizzard the end of which is not yet in sight.

In spite of this very severe handicap they have managed to pay their taxes cheerfully although there was no reduction. Unfortunately this progressive and economically minded people is being subjected almost daily to libellous and scurrilous attacks at the hands of a notorious letter-writer who styles himself a politician. His name is Edema Arubi. This notorious letter-writer has ruined the cordial relationship that has existed from time immemorial between the Itsekiris and the Urhobos. This man is definitely a menace to the good government of the Warri Province.

Sometime ago in a speech before this House I made a prophecy to the effect that by the installation of the Olu of Itsekiriland with the assistance of the Government the Government of Warri Province would be made easier for all time. The activities of this notorious letter-writer has falsified my prophecy.

Your Excellency: This letter-writer has made co-operation between the Itsekiris and the Urhobos impossible. His activities have made the task of the Administrative Officers very much more difficult. He has complicated matters to such an extent that it has taken the moderate men of both tribes all their times to prevent an open clash between the two races.

Unfortunately this man belongs to my race and I here disassociate myself from the utterances and activities of this notorious letter-writer. (Here His Excellency warned the Honourable Speaker that he should avoid as much as possible going into personality).

Your Excellency: I wish to place before you the vital needs of the people of my constituents. They need very badly a secondary school. This school is to be built at a very accessible

centre. At the moment men of the Warri Province go to the expense and trouble of sending their children to outside centres far and away from the Warri Province.

A good start has been made by Government assisting in the building of the Ughelli-Ukan motor road, a road which links Ughelli—an important Urhobo centre with the main trunk roads of the Province.

The Ijaws need more postal facilities and some more motor roads.

As soon as funds permit I beg that considerations be given to these few needs of my constituents.

The Third Lagos Member (The Hon. O. Alakija):

Your Excellency, I rise with the greatest diffidence to speak on the second reading of the Appropriation Bill. I have read very closely Your Excellency's address yesterday morning and I must congratulate Your Excellency on the very fine manner you place at our disposal the financial affairs of the Colony and Protectorate of Nigeria. I have carefully studied the Estimates, Your Excellency, and I must confess that I had a nightmare over those Estimates. I saw the formidable figure in the Pensions List. Of course that is inevitable. I looked at the ever growing personal emoluments and it reminds me of the increase of armaments that is going on in Europe at the present moment. Personally, after going carefully through those Estimates I discovered no effort whatsoever to make economy on the part of the Government. Although there are savings made in certain Departments the Government have not taken advantage of the present depression, and to make real economies—that is by attempting to reduce the expenditure. We should take the opportunity at this time of the depression to avail ourselves of local materials, that is by engaging the services of competent Africans to fill the gap.

Now, Your Excellency, looking at the question put by the Honourable the First Lagos Member regarding the passages to and fro, of European officials one cannot help thinking that every now and again that expenditure is rising higher and higher. In 1935-36 I see the figure was less than what was expended in 1937-38. Some years ago, Your Excellency, the wives of officials were allowed a certain percentage of their passages but I understand that the Government pay their passages and as a matter of fact junior officers are encouraged to bring out their wives. When a Cadet is appointed he draws a salary of £400, is allowed a free passage to Nigeria and if he chooses he also brings out a wife. Roughly speaking, it is costing the Nigerian Government for each Cadet at the present time approximately a sum of £600.

Now, about the question of passages, will Your Excellency permit me to digress. The tour of a European official was lengthened to eighteen months. The Nigerian climate has always been condemned. West Africa was described as the white man's grave but surely things have changed. We have improved sanitation now. We can see that the European missionaries live here continuously for five years. That goes to show that the climate which is supposed to be so bad for the European official exists only in their imagination. I say it is only imaginary because if Government had not undertaken to pay their passages and if they had to pay themselves they would remain longer. Missionaries live here for five years at a stretch and there would be a saving of this huge amount of passage money. I think it is only in West African Colonies that passages are being paid for European officials. Take the case of the West Indian Colonies. The officers pay their own passage and provide their own quarters. Thousands of pounds are being spent at Ikoyi and other places to provide quarters for European officials and the officers do not pay for these quarters. This accounts for the deficit which we are now called upon to face and the Honourable Financial Secretary suggested that the only available means of making up this deficiency is to increase taxation.

Your Excellency, I am well aware that increased taxation has to be made. I am also well aware that Your Excellency has said wisely that there would be no retrenchment and no curtailment of services and the only way of balancing the Budget, I should say, is to increase taxation. The Bill is now before the House and in the course of time the Bill will be discussed. I said economies could have been effected in every department of the Government and we would not have had the necessity for any increase in income tax.

I should now like to refer to the various departments as shown in the Estimates but before doing this I should like to associate myself with the remarks made this morning by the Honourable the Commercial Member for Lagos. Well, he made the suggestion that Africans should be allowed to fill the posts which are at present filled by Europeans. With Your Excellency's permission I should like to refer Your Excellency to a confidential letter addressed to the Secretary of State in connection with the salaries of Africans as far back as 1922 during the administration of Sir Hugh Clifford. I think, Your Excellency, Sir Donald Cameron was then the Chief Secretary. The clerical staff was divided into two divisions, the lower division and the higher division.

“ The objects in view when the two divisions were
“ created are briefly stated in paragraph 6 *et seq.* of Mr.
“ (now Sir Donald) Cameron's Confidential Despatch of the

“ 26th November, 1921. It was desired to follow the example
“ of Ceylon and to divide the clerical service into a sub-
“ ordinate service and a clerical service proper. The latter
“ was to constitute a kind of clerical corps d'elite with
“ superior educational attainments and qualifications, while
“ the former was to comprise men of mediocre ability and
“ lower educational qualifications.”

I regret to say, Your Excellency, that in 1926 all these recommendations went overboard. They were found to be not necessary by the succeeding administration so they are no longer operative.

I should like now to deal with the Audit Department. Your Excellency will observe that there is at the present moment in that department two African Chief Clerks. There is the Senior African Chief Clerk who has been working in that department for several years. He has been recommended for promotion on two occasions by the Head of his Department, not in his own department but in another department of the Nigerian Government. Now, Your Excellency, will you permit me to refer to the Gold Coast Government. There they have a senior post to which an African was appointed. That was Mr. Mammon. He was serving in that capacity as Chief Clerk for a considerable number of years. He was recommended for promotion elsewhere on several occasions and fortunately for him when he was being recommended there was a call for him from his native land, the Gold Coast, and he was appointed as an Audit Officer—a European appointment. There has never been a suggestion for advancement of the African Chief Clerk. If the Auditor thinks highly of his Chief Clerk and takes upon himself to make recommendations for his promotion to other departments, I see no reason why the post of African Chief Clerk in which he has served for a considerable number of years should not be advanced to the post of an Assistant Auditor. I do not like to refer to the Honourable the First Lagos Member because he served in such a department himself. He had to go to the Medical Department as an Assistant Accountant when no provision was made for his advancement.

Now talking of the increased taxation the Honourable the Financial Secretary said that it was a question of a half per cent. He said that as much as five or six per cent is being paid in England.

The Hon. the Financial Secretary:

Nearly thirty per cent, Your Excellency.

His Excellency:

Nearly thirty per cent.

The Third Lagos Member (The Hon. O. Alakija):

Well, Your Excellency, it is true that people pay a uniform tax in England but we have reason to grumble. Every boy in the street in England is a potential Prime Minister and a potential Governor. What position can an African attain even in Nigeria? I was told some years ago in the Law Courts that the highest position an African could obtain is that of a barrister-at-law. That statement was made by the Chief Justice of this Colony in the Court of Appeal. To-day we are getting on. Africans are becoming Police Magistrates and I suppose in due course we shall have African Judges.

Now I come to the Judicial Department. I have been associated with the Judicial Department as far back as 1901. I started my career as a cadet, not as a cadet at £400 per annum, but as a cadet at £12 per annum. The office of cadet is very valuable now but it was not so valuable in 1901. I have had the opportunity of knowing a good deal about that department. I was in that department until I severed my connection with Government and then I came back to this country, and became enrolled as a barrister.

Looking at the Estimates for the Supreme Court, we have one Chief Justice, four Puisne Judges, two Judges for the High Court and six Assistant Judges for the Protectorate Courts of Nigeria. At the present moment the Africans on the Bench are able to do their duty to the satisfaction of the Head of their Department. I would make reference to this because I discovered that the methods of appointing Judges in this country is absolutely dissimilar to the way in which Judges are appointed in England. There are statutory enactments affecting the appointment of Judges in England. Take, for instance, according to an Act of Parliament, they must be barristers in practice for not less than ten years before they can become a Judge of the High Court. To become a Lord Justice of the Appeal Court one must be a barrister in practice for not less than fifteen years. Now the administration of justice is absolutely important and that is the reason why we require the best men versed not only in the law but in the practice of the law to fill such high judicial offices. Now it has been the practice in the past—I hope it will not be so in the future—that gentlemen appointed as Judges in Nigeria are men who have not seen practice at all. Some of them started their career possibly as Assistant Secretaries in the Nigerian Secretariat, they are called to the Bar and in the course of time, perhaps in a few months, they are recommended for judicial appointments. So far as legal officers are concerned, there would be no objection to this practice.

I would like to say this, Your Excellency, that at the present moment we have about sixty or seventy men practising at the Bar in Nigeria, some with thirty-five years of experience of the Bar

and some with thirty, some with twenty-five and some with twenty years' experience. In view of the present depression would it not be better for Government to consider the advisability of appointing these men with considerable experience at the Bar to fill such posts in the near future in the event of vacancies occurring. That would lessen the cost of passages to and from England. Such a man is a native of the country and I do not suppose he would like to go to England to spend his leave. That would make a considerable saving to the Government because one never knows when one will be faced with acute depression. We do not know what will happen the next year or the year after. There will be this consolation—there will be some officers who will not be proceeding on leave and therefore will not call upon us to pay their passages to and from the United Kingdom and they are experienced men and we can avail ourselves of their services.

I associate myself with the Honourable Member for the Rivers Division in regard to the question of the dignity of King's Counsel which he suggests should be conferred upon senior members of the Bar. I think the Honourable the Attorney-General would like the idea. He is the only King's Counsel in Nigeria, and when sitting at the Bar it would be a pleasure and pride to him if he had about him other men wearing silk gowns and full-bottom wigs.

I would like now to refer to Provincial Administration. I know what I may say now will not alter the position of things. It was last year in this very House that Your Excellency made the announcement as to the division of the Southern Provinces into the Eastern and Western Divisions. Now these Provinces without sub-division have been administered even from Lagos. We had a Commissioner here about 1907 who administered the Eastern Division including Calabar and all those other places, until 1913. Later on we had Sir Harry Moorhouse, who was Lieutenant-Governor and who had his headquarters at Lagos. He administered all that vast area up to the time of his retirement from Government service. Now what has happened? I am not complaining about this sub-division—I am merely saying that it should not have been done at this time. It should have been foreseen that when these appointments are being made that the people might be called upon for increased taxation. Now buildings have been put up at Ibadan which have cost Government £40,000 for the Chief Commissioner of the Western Division and the staff of his Secretariat. That £40,000 could have been saved and the additional £10,000 now required would not have been required and the inhabitants of this country would not have to pay more than one per cent income tax. That is the reason why I am associating myself with the Honourable the Commercial Member for Lagos. He said this morning that Africans should be

employed and that Africans should be trained as cadets. It would not cost the Government much at all. Young Africans should be employed in that capacity and have the opportunity of being trained and then in the near future they may be available to fill such positions as may be required of them. I remember at the last meeting of this Council in July the question was raised by Dr. Jones who was a member of this House. I do not want to worry Your Excellency but it is reported in Legislative Council Debates of 1938—pages 5 and 6:—

(a) To ask whether it is a fact that out of the 365 posts in the Administrative Service of Nigeria—excluding that held by His Excellency—only four are held by Africans? Or if these figures are not correct,

(b) Will the Honourable the Chief Secretary kindly give the correct figures? And with a view towards implementing the oft-repeated pronouncements of every Governor since Sir Hugh Clifford's administrative tenure, that posts held by Europeans are to be gradually hypothecated to Africans,

(c) To ask whether Government will not grant facilities to Africans for appointments to administrative posts (whether as cadets or otherwise) in connection with the re-organisation of the Southern Provinces Administration at present in hand?

The reply of the Honourable the Acting Chief Secretary was as follows:—

(a) It is a fact that only four posts in the Administrative Service are at present held by Africans. There are however forty-two Africans in other services holding appointments which are normally filled by Europeans.

(b) The suggestion that a promise has been given that "posts held by Europeans are to be gradually hypothecated to Africans" cannot be allowed to pass without qualification. Beginning from the occasion in 1923 when a deputation of the Civil Service Union waited on Sir Hugh Clifford, the Government has always maintained that conditions in Nigeria as regards education and the possibility of a perennial supply of suitable Africans are such as to make it impracticable to set aside a definite number of superior posts which should be filled by Africans, and the general tenor of the reply which has been given to similar questions in the past has been that the Government is always ready and willing to appoint Africans if and when suitable candidates are available. That is still the policy of the Government, which is more fully set out in paragraph 22 of the Sessional Paper No. 10 of 1938, which was laid on the Table at the last meeting of this Council. Attention is also drawn to the statement contained in paragraph 21

of that Sessional Paper of the academic and practical qualifications required of candidates for appointment to superior posts in certain Departments.

That was the reply given but when that reply was given it was omitted to state that years ago an African had held the post of a District Commissioner of this Colony. I am referring to the late George Smith. He was an African. The Honourable the Member for the Colony Division was a Resident of the Colony. He advised the Native Chiefs of Lagos. There was no complaint and I see no reason why the suggestion made by the Honourable the Commercial Member for Lagos this morning should not be considered seriously by Your Excellency in the near future and that effect should be given to it for there would be a considerable saving in consequence to the Government.

Now I have to turn to the Legal Department. The Legal Department of Nigeria is presided over by Mr. Cox, the Honourable the Attorney-General and he is assisted by able lieutenants. I have no complaint whatever to make about the Legal Department. No one has ever complained. What I really cannot understand is this, Your Excellency. When the question of the Epetedo Lands came before this House and the appointment of Sir Mervyn Tew as Commissioner was decided upon, I cannot help feeling that this was really the duty of the Legal Department and I am quite sure the Commissioner appointed is not going to work gratis, although he is a pensioner. Sir Mervyn Tew was here as an Administrative Officer then he joined the Legal Department of this Colony, became a Judge of the Supreme Court of Nigeria and was transferred to the Colony of Sierra Leone in 1929.

His Excellency:

May I point out to the Honourable Member that the appointment to which he is referring has already been approved by the Finance Committee. He is referring to rather old history.

The Third Lagos Member (The Hon. O. Alakija):

I beg your pardon, Your Excellency. I do not propose to take up much of Your Excellency's time again but as I said before that opportunity every opportunity should be given to Africans. If opportunity had not been given to the four Africans holding administrative posts, nobody would have been able to say that they are capable of doing anything at all. There must be an opportunity and then it is for the African to show that being given that opportunity he is ready to do his best to justify the selection and show to everyone that he is capable of holding his own. I cannot help feeling when I come to consider the remarks made

by a distinguished person in one of his speeches in England that those remarks, however good they may be, would have no application whatsoever to the Africans. I am referring to the remarks made by the late Earl of Birkenhead when he said "The world still holds glittering prizes for those whose courage is high and whose swords are sharp". That remark applies to the Europeans and not to the Africans. I thank Your Excellency.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

Your Excellency.—Last year we came to this House to discuss the financial position of the country. In your address you decided that we should mark time. I do not know if I am right or wrong but if I were to translate or to interpret the word "mark time" personally I feel that when you said that we should mark time you meant that we should watch our financial position before making any move. Unfortunately, Your Excellency, just quite two months after we left this Council the price of everything dropped down and within a few months after, when I expected we should mark time I read in the *Gazette* that several cadets were imported. I also read that there was a building scheme at Jos simply to accommodate officers going there on leave. I do not feel that we have kept right to the word "mark time". I know of a commercial enterprise who after making his estimates for a big motor building found it impossible to carry on. In spite of the fact that the money was ready he had to postpone it fully knowing that if he built that motor garage there would be no use for it and the company would lose by it. And as such when we know that the financial position of the country is getting low we should not embark upon an expensive venture. If I am asked to attach any blame to anybody I may say that the man who is at the head of the financial affairs is the man to be blamed. Here we are to-day again this year, Sir, finding ourselves with a deficit which we have to cover. If he had watched the position last year I am positively sure this deficit would not have come. At any rate it has come and we have to meet it. But how are we going to meet it without doing any harm to anybody. When we talk about paying income tax, it affects Europeans as well as wealthy Africans, but not all Europeans are wealthy and those natives who are considered wealthy have "gone broke". A certain officer asked me why is it that during the depression expensive buildings are being put up. I told him that trade is so bad that if you have £200 or £300 which you can lay on a motor lorry, and you may expect to lose the whole bargain, you better put it on a house rather than on a motor, because building materials are cheap, especially local building materials, such as bricks, which at one time were sold for £1 10s. a thousand are now sold for 9s. a thousand, Timber measuring

about twenty-four feet long sold for 15s. now costs only 3s. 9d. When you have £200, instead of putting it on any venture you better put it on a building because that will be the surest thing for you to leave for your children.

Now, Sir, the next point which I desire to touch is that in the olden days the Western and Eastern provinces were administered by one Lieutenant-Governor. Now that the finances of the country are low, I fail to understand why we should embark on a division. I think it is necessary that we should wait and mark time until things are better before dividing it into two provinces.

I must first of all thank the Director of Medical Services. Sometime last year Onitsha division was covered up with epidemic diseases and the Sanitary Superintendent with his men did all they could to help the situation. These men are now touring the whole division vaccinating hundreds and thousands of people at a time, in the interests of the people.

In one of my questions, I suggested that we should have a technical school. Although the Public Works Department here admit boys and the Marine Department do the same, but still in the provinces there is not one technical school for industry except the one maintained by the Prisons Department, which means anybody who wants to be there must be an ex-convict. Although that school is turning out decent works we cannot expect the whole country to go to prison to learn their trade. For this reason, Sir, I am submitting that the time has come when a technical school should be opened in the provinces. Native Administrations, I am sure, are quite prepared to contribute to that school because I happened to be present at the fields during the last Empire Day celebrations and I saw hundreds and thousands of boys—Somebody said to me who would employ all these boys? I said the salvation lies in our hands. You have to provide for them. He said how are we to provide for them, I said by assistance and by applying to the Government to ask the Native Administrations to create a fund to open up industrial schools. I can assure you, Sir, there is only one competent carpenter at Onitsha and Onitsha is a wide place and can accommodate 150 or 200 carpenters. We have space for masons we have space for fitters and we have space for any other job, but without an efficient school for the training of these boys how can they live? It is true that they must be educated. Education is costing very much at the moment; you have to provide his clothes, books and everything but when he gets to Standard VI he is left at your hands. You have got to provide the whole days of your life until at last you give up and the whole family becomes ruined.

The gospel of go back to the land is always preached and each time that gospel is preached I argued have you got the land to embark on? To educate a boy up to Standard VI without getting him to learn manual labour, is useless: how do you expect that boy when he leaves school to get employed. This is a very tedious thing and in the interests of these boys I feel that there is a great need for technical schools.

The next item I wish to touch is education. At the moment I know for certainty there is no money in the country to meet up various demands or to open up more schools in the country but I feel sure that if Government would only just open their hands a bit by removing certain regulations, there are private individuals who are willing to teach their children up to Standard I, but when they come to consider the lot of things they have to do by filling the form, such as the name of the Principal, the name of the school last attended, the place of the schools, member of what house, etc., they don't know what to do. This state of affairs stands very much in the ways of people who are desirous of opening schools in the provinces.

As already stated by the Honourable Member for the Rivers Division over the question of travelling to visit our various constituencies, this is a burning question. The people are anxious to see us, especially in my case where I represent the whole of Ibo speaking people. The Ibo speaking people include Onitsha, Owerri Provinces and part of Ogoja Province. Many a time they tackle me with the question, "What are you doing for us in the Legislative Council? When you return from the Council you should come and give a report to us. We do not know much of your activities there". I have to go. I have to go out of my expense. At this rate, Your Excellency, I am asking that Government should consider not only the privilege of buying petrol at Public Works Department's price but also to give us an allowance to cover the mileage we do.

Another department I wish to touch, Your Excellency, is the Public Works Department. This is a very big department and it has a common name in the whole of Nigeria, *i.e.*, the Public Waste Department. (laughter) Looking through the estimates one finds so many foremen of works doing nothing and drawing so much a year. What they are actually supervising, Heaven knows! When we come to consider the position of Onitsha Water Supply to-day under the care of the Public Works Department, the inadequate supply of water, which I am sure will necessitate Government condemning the present engine for a new engine, shows that the department has not done it properly.

Agricultural Department, Sir.—This is another very big department—very interesting department. This is a department that should be encouraged as much as possible. But the danger is there already. We have been asked to plant palms and to use the oil presser to be able to manufacture our oil on the most scientific basis, yet we have not been told where to sell that oil to profit. I have been given to understand that there is a firm—I do not know the meaning of their benevolence—which was kind enough by giving any amount of palm seedlings to natives; this firm perhaps has started on his own planting thousands and thousands of palm trees in the hope of reaping when the time comes, preparing them in the right direction and selling them. If at the moment that firm cannot help us over our prices, we believe that when the time comes, all the palm trees that had been given us to plant begin to yield and we press them in the same scientific manner, are they going to give us the opportunity by lifting up our prices? We are very much worried about it. To-day a tin of oil whether pressed or turned out in the best scientific manner fetches only perhaps eightpence or ninepence. There is no hope of selling to the factories. The only saviour we have is that we have to use the oil for ourselves, as it is our staple food. Perhaps when we are fortunate to get local firms to buy we get 1s. 3d. otherwise we get no more than eightpence or ninepence.

Your Excellency, there is a department I am very much in sympathy with, and this is the Police Department. The policemen like the soldiers have to maintain order and peace. Some of these policemen do six hours standing; they stand erect perhaps the only chance a policeman has is when he walks from one place to another and then he comes back again and stands until the hours of business is finished. But I am puzzled, Your Excellency, some of these policemen are not pensionable and I would suggest, Your Excellency, that a provident fund scheme should be arranged so that these people after retirement get something to live on.

Your Excellency, I was told that the River Niger would be the boundary between the West and the East: as I see it to-day would mean that tons of people on the Eastern side of the Niger would go to the West as the result of the new organisation, but if when the Chief Commissioner, Western Provinces, takes over from the 1st of April I ask the question what will be the fate of the Ibo speaking people living on the Eastern side of the Niger who will be emerged to the Western side. There is going to be hardship to these people. They have expressed their opinion and they have asked me to plead their course, Your Excellency, that as they are Ibos and they reside on the Eastern side of the River Niger, they should be allowed to be absorbed in the Eastern Provinces.

Your Excellency, I do not know whether I am correct, but I was told that certain officers of the Police Department were due for leave. They applied for leave after two years continuous work and the reply was that there was no fund to pay their transport home and these officers have had to pay their passages out of pocket to enable them to go home and enjoy their leave. If it is true I am asking what Government intends to do about refunds to them of the amount so spent for their passages to their homes.

Your Excellency, as I look at the revenue of the estimates I still feel that the revenue had been estimated too high. So far as Customs Department is concerned, if there is no export, the import must fall. When we were here last year I made a statement in this House that I knew, in my opinion, firms held sufficient stock to last them for two or three years and they sold at a loss. How on earth do we think that these firms after losing several pounds would continue to import when there is nobody to buy them. So I would suggest, Your Excellency, that careful consideration should be given to the revenue estimate and see that things may be rectified before they get bad. I observe that duties have been increased especially on liquor. I must confess to this House, and to Your Excellency particularly, that it is the high cost we pay for liquor that necessitates people to take to illicit distillation of gin (laughter). If now the price is increased it means that people would go back to illicit distillation which has been forbidden. If whisky which is 11s. 6d. a bottle is to be sold for 12s. 6d., well, it means only the well-to-do will have to drink it. The poorer classes at the sacrifice of their lives would perhaps "go back to the land" and drink illicit gin.

Your Excellency, Native Administrations in the Eastern Provinces, in my opinion, is nothing but sham. In 1928 when we were deputed under the late Mr. Purchas who was then the District Officer, Onitsha, to visit Ibadan to study the system of Native Administration in the Western Provinces We hoped on our return, when they are started, we would start on the same footing as those in the West.

The Honourable Member for the Rivers Division said that it is not a good policy to give "send-offs" to Administrative Officers. I differ, Sir, because Africans are so generous, generous not because they derive especial benefit from a certain Political Officer but because that Political Officer has put up his own time and mix with the people. I am not afraid to say there are certain officers whom we cannot meet, *i.e.*, when they want to say their "No" they say it so bluntly, whilst another officer knows how to go about his "Nos".

He will say it so fine and so refined and say "Oh I am afraid I cannot help you" and you go away so happily. So that, Sir, I feel officers who work very hard and who deserve "send-offs" should be given "send-offs."

It is a pity the Honourable the Senior Resident of Onitsha is not here. I am given to understand that he is getting ready to go home on leave, but we already owe a lot of thanks to him. He was the Senior Resident, Abeokuta Provinces, and when he came to our province he came with a full spirit of re-organisation. It is at the time when he came that he introduced the Provincial Conference. People from all the provinces meet to discuss matters of common interests, and to-day we have started to have Divisional Conferences. People from the whole divisions now meet from time to time to discuss matters in the interest of Native Administration. But one thing beats me, Sir, when you take up the Native Administration Estimates and go through you find district heads, council heads, divisional heads drawing a bit to keep life going. The Obi of Onitsha is only drawing £100 per annum, a man who should be drawing about £400 with all the expenses surrounding him. By the time he gets the money from the Treasury the money is finished. How then would he maintain his position. With the present position of the Native Administrations in the Eastern Provinces we do not know how it is going to end. At the moment when you go to the village courts you see perhaps about fifteen, twenty or thirty men sitting as judges—although with the advice of the District Officers we are trying to reduce the number but it is always said that it is what the people want and we should wait until the people demand a change. But when are they going to demand it? They are already used to one system. Can we say that the Political Officers who came and opened up Nigeria were fools? No! They did everything to restore peace and order and now Government has introduced a new system which is making a father equal to the son and making everybody the same. In pre-government days the son cannot take share with the father. Everybody knows his position. When now a system of this kind is to be introduced I say it should be introduced properly. Among the Court messengers we have messengers under the Head Court Messengers. They do not draw the same pay. Whilst in the Native Court whether President or not a man gets 2s. or 3s. 6d. a month. A labourer gets sixpence a day and a Chief who sits in Court gets not more than one penny a day.

Your Excellency, so far I have covered the grounds which I have in my note, I must thank Your Excellency for the valuable address which we have in pamphlet form. This I am taking with me in the hope of visiting the various Councils in my area in order to be able to read it to them word for word. I beg to thank you, Sir.

...course, Your Excellency, that as they are Ibos and they reside on the Eastern side of the River Niger, they should be allowed to be absorbed in the Eastern Provinces.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

Your Excellency, Honourable Members who have come from a long distance feel they must say something and since the Government has to pay for me I feel I cannot afford to come here without giving expression to my reaction to the Estimates before us.

Last year, Sir, we admired the courage and optimism manifested by the Government in their policy and in the way in which they faced the future. Some of the Honourable Members on the Unofficial side were disposed not to feel the same way as Your Excellency and the Honourable the Financial Secretary. Well, while Your Excellency was advocating the policy of marking time some of the Honourable Members on the Unofficial side advocated calling a halt. Perhaps they were blunt in their expression but what they meant by calling a halt is the maintenance of the then existing efficiency in the Government services and by the way I noticed in Your Excellency's address this year that the same words "calling a halt" were used. The Honourable the Commercial Member for Lagos gave us a lucid explanation of the causes why we should not be too optimistic last year. I feel disposed to do the same thing this year and I am sorry to say that I am inclined to follow that prophecy of gloom again as I did last year. Several reasons have been given why we should not expect speedy recovery of prosperous times. One factor was suggested last year and that was the armaments race amongst the Western nations of the world. That armaments race has developed into an armament warfare and if we are loyal we too should join in this new form of warfare that is going on knowing that whichever country wins in this warfare wins in the next war. There is a wide gap between our income and expenditure. Now that hard times are upon us—whether they are brought about by the present warfare going on or by other causes I do not know—efforts are now being made to cover the gap. Measures have been proposed whereby this gap will be covered and might not have been proposed if hard times had not fallen upon us. These measures cannot as a whole be considered without some misgivings that, being hard times measures, they would be continued with the return of prosperity and after the cause for their justification has passed. When we are told that the interests of the Africans are guarded in a way that they will not suffer hardship and when we come, Sir, to increase the duty on corrugated iron sheets, the commodity which common people use, surely hardship must come to a large number of people who are least able to bear hardship.

In one item, Sir, I noticed that the Government increased the duty from six-two-thirds to fifteen per cent and that item is stationery. Now what a large number of school children must use is stationery. Knowing what little is being done for education,

some Honourable Member has pointed out that when we come to consider what has been done for education it is less than sixpence *per capita* of children of school age and to think that the parents who have strained all efforts to educate their children must be faced with this new taxation this is going to mean hardship and perhaps the withdrawal of a large number of pupils from schools. The Honourable the Financial Secretary in his memorandum on page 2 speaks of the large section of the provisions in the Estimates as representing dead weight expenditure of an inevitable nature. I must confess, Sir, that for many years like my Honourable friend the Third Lagos Member I was haunted in my sleep thinking over pensions and gratuities and passages, etc., which this Government must pay. I take it that the Colonial Government must necessarily be expensive but we cannot afford to make it too expensive. Now it is comforting to see that Your Excellency is taking a step whereby you get something from pensioners, whether Africans or non-Africans, but I should like to associate myself with the view of the Honourable the Commercial Member for Lagos and the Honourable the First Lagos Member which view they set forth by saying that Africans should be trained for higher appointments in the Government. We may not see the result immediately but within a decade we shall begin to see the result in the saving to the revenue of the country. We take it, Sir, that the aim of this Government or the Administration should be to make the Colonial Administration a success and the only way to make it a success is by increasing the prosperity of the country. If there is anything that will draw prosperity out of the country then that should be discouraged and the effect of it minimised.

Now, Sir, I should like to say a word or two about the Forestry Department. That Department has rendered, and is still rendering, great service to the country by saving our soil from desiccation and we appreciate the Forestry rules but I am inclined to think that in the application of these rules hardship is worked upon rulers and farmers. For instance, some years ago a large stretch of land was acquired and marked out as forest reserve. The owner, the Chief and the farmers who are members of the family and some outsiders did not know what was meant by reserving a piece of land. They have this impression—how they got it I do not know—that when a Forestry Officer comes and looks at the land some precious metal is going to be dug out of the land and they constantly ask when will Government start operations and demand to know what they are going to receive. For many years no officer visited the place, then an officer came afterward and told the people that they must get out and they are then faced with punishment. The farmers on the land could not understand and the Chief who thought that he was going to get something some years ago found that he got

nothing but punishment. When the farmers on the land went out to seek for land elsewhere that Chief lost the control of his men and he lost his chieftaincy. So I trust Your Excellency will take this matter into consideration. When land is taken for Forest reserve, there must be a definite understanding between the farmers, the Chief or whoever owns the place, so that there will be no misunderstanding and hardship in the years to come.

I must congratulate the Honourable the Director of Public Works although some of us may regard that Department as the Public Waste Department. The work of cutting by-paths for cattle from some sections of Ijebu Ode, to Ibadan and Oyo has meant a great deal to the safety of the roads. I also wish to call the attention of that Department to the dust-ridden roads of Ibadan. It does not speak well when strangers coming from other countries to visit the headquarters at Ibadan find it so dirty and the roads so bad.

Last year I was pessimistic as to the administration of justice in the province and I refer to Your Excellency's address at the Conference of the Southern Rulers at Ife where attention was called to the necessity for the proper administration of justice. I know that it is a question that comes near to Your Excellency's heart and on two occasions you have emphasised the necessity for it. As I said last year, Sir, the crying need of the province is justice—justice everywhere, justice in the country, justice in the market and justice in the courts. His Honour the Chief Commissioner gave us the assurance that the question of justice would receive his careful consideration and I stand here to-day, Sir, to say he has done that. He has succeeded in giving us as head of affairs a man who is energetic and who has a keen sense of justice and is beloved throughout the province as one who has the best interests of the people at heart. With him at the head of affairs in the province and his present strong and faithful assistants there will be no more recurrence of such disturbance as we experienced in Ibadan last year.

Now, Sir, I must associate myself with the Honourable Member for the Rivers Division and the Honourable Member for the Ibo Division when they referred to the question of visiting one's constituencies on the part of Members of Legislative Council who represent them. You must remember, Sir, that Oyo Province is a large province and I travel to several places because I consider it my duty to know what is going on and to know what the people are saying or thinking. Now on one occasion I went to Ila Orangun. I have been there twice already. The Chief of that place felt that he must give me a present so he offered to give me £2. Well, I said to myself "Now this is not a money-making scheme and I do not want to get into the habit of getting things

from the Chiefs." I took £1 and said " Well, this will take me home ". But, Sir, when I came back I was ten shillings short. Something should be done to encourage Honourable Members to visit their constituencies so that they will not be tempted to receive any presents either in money or in kind. Sometimes the Rulers give bottles of gin and if you are a good trader and cannot use the gin you can go to the next town's shop and see what you can trade with it. I think something should be done so as to enable the Honourable Members to travel among their constituencies without having to depend upon the Rulers for the cost of transportation; then and only then can they execute their duties to their people with greater efficiency and clearer conscience.

I thank Your Excellency, for listening to me.

The Member for Calabar (The Rev. & Hon. O. Efiang):

Your Excellency, It is with the greatest concern that I rise in this Budget Session to criticise the Government. I realise that criticism is one of the easiest things to do, but I want to say that in associating myself with what the former speakers have said I deeply appreciate that we, the Unofficial Members are part and parcel of the Government and therefore in criticising the Government we are criticising ourselves. Whenever the Government does anything which the man in the street will blame, we share in the blame and similarly do we share in the praise, encomiums and congratulations, should the Government do anything to satisfy the people. Therefore to criticise the Government is not a pleasure, is a thing done with conscience, because of our responsibility to the people and our obligation to this House.

The Budget.—The financial prospect of Nigeria is very sad and unsatisfactory His Excellency, in his most lucid and instructive address yesterday, described the financial retrospect and prospect as being equally gloomy. I will not over-estimate the observations of my predecessors in this respect. I want to emphasise the need for replacing, wherever possible, Europeans with local materials—Africans of talents and qualifications, which will cost us cheaper. At this time of our financial shortfall it is not wise to undertake new projects which will plunge us deeper into debts, such as employing new cadets, dividing for the purpose of administration Southern Provinces into East and West, putting up of costly buildings, etc. Some of these expenditures which are not urgent should wait, otherwise we shall be charged with improvidence and extravagance. After we have been brought face to face with such a heavy deficit, the Financial Secretary tries now to smooth the situation by proposing increase in Income tax on the people at a time like this, a time of financial stringency and on a people who are so poverty-stricken.

Medical.—We admire the good work in our hospitals but we do want more maternity hospitals, and it is a matter of paramount importance that this Department should now consider the advisability of establishing clinics for venereal diseases in important centres like Lagos, Calabar and Port Harcourt, because this type of disease is too common and is reducing greatly the population of Nigeria. I beg, Sir, to corroborate the statement of the Honourable the Member for the Rivers Division in the matter of the vaccinators' having no promotion and no increment. This state of affairs is very deterrent and discouraging.

Education.—Your Excellency: Much has been said under this head. I want to say that the question of Education is second to none. We stress the need for mass education. We want more elementary and secondary schools. I speak with a conviction when I say it is now time for Government to give definite and concentrated attention to Industrial Education. It seems to me that the present system of education is only preparing the country for clerical appointments, everybody is attracted thereto, there is a perpetual drift of the progressive and educated elements of the rural communities to the towns in search of clerical work. It is a fearful thing. To-day we are trembling before a heavy deficit in the budget, but we shall soon be called upon to face unemployment in Nigeria. The present policy is surely going to evolve a system of civilisation and culture which will be top-heavy,—a superstructure with no foundation, intellectual giants but physical and economic pygmies. It will pay tremendously if Government invests in this project.

Again there is one thing to which attention should be paid Sir, it is this, Lagos is made the centre for higher education in Nigeria, this is too distant from us in the East; we therefore suffer by it. Last year in the prospect of installing electric lights in Calabar, I recommended the applications of six youngmen to the Electrical Engineer-in-Chief, Lagos, to my no small astonishment and the candidates' disappointment the applications were returned with a covering letter to show that the only reason the applications were rejected was because they did not pass Yaba Higher College nor get experience in the Ebute Metta Railway. This state of affairs gives facilities only to those dwelling in the West.

Again I wish to endorse the criticism of the Honourable the Member for the Rivers Division, that the Education Department lacks continuity of policy.

A word, Sir, on Non-Government schools: that these schools are the very pivot of the educational machinery of this country is an undeniable fact. Yet their repeated request to Government to give more grants, so as to enable the mission bodies who have borne so

long, to carry on their good work, has always met with the reply "wait until the financial prospect of the country looks a bit rosy, but I am afraid our financial prospect has continued to frown." Think of the condition of the teachers in these mission schools. They have no prospect, low salary and no gratuity nor pension for them. We know what effect this will have or is having; the best brains will be all attracted to more lucrative services, and the noble profession suffers. We become fearful losers, I trust as soon as we recover from this present state, attention will be given to this question. It is invidious to mention the disparity between the prospect of the Government teachers and that of the non-Government teachers.

Agriculture.—It is an indisputable fact that the wealth of Nigeria is now and always will be, bound up with agriculture. Your Excellency, I submit it is now time for the Government to take practical steps to attract progressive and educated Africans to the soil and so demonstrate to the Nigerian public, that a person with the necessary technical knowledge and skill can derive from the land a standard of living commensurate with that of a person of similar intellectual status in any clerical appointment. I visualise a great future for Nigeria through agriculture. I see Nigeria as food-producing country able to feed her vast population with sufficient surplus to export to the world's consumers' markets. It is then that our finances will be better stabilised. I dream of a time when agriculture and manual labour will be vested with suitable and adequate dignity to hold the fascination that any other profession is at present exercising. The wealth of the people is the wealth of the Government and *vice versa*.

Prison.—I am attached this year to the prisons in Calabar, and so wish to endorse what the Honourable the Member for Egba Division has said that prisoners who have learned some trade during their confinement should be subsidised after their period of detention, so that they may be able to carry on the trade they learn for the purpose of maintaining their livelihood. Government will of course, explore the details of agreement with them. The money is to come out of the revenue made by prison labour.

Transport.—It is not possible for the principal administrative officers to remain in Lagos and legislate. Let them travel in Nigeria, then they will sympathise with some of our questions and problems. I speak on behalf of thousands, yea millions of people. I thank the Government for the answer I got *re* Calabar Mamfe Road, and I trust that as has been promised, as soon as funds are available that road will be taken up. Cross River does not in any way supply the necessary facilities. At all seasons it presents difficulties to navigation. I shall not prosecute this question in the light of the promise Government has given.

Finally I beg to congratulate Mr. Shute, our illustrious Chief Commissioner Southern Provinces, Eastern Division on his new appointment.

He is a well-known personality in Calabar. He is a capable administrator, who is sympathetic and ever ready to confide and co-operate with the members of his constituency. I wish him a world of success, and again congratulate him on his preferment.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

Your Excellency—With Your Excellency's permission I would like to go back to the last Session when I failed to discharge a duty by omission, that omission was an expression of appreciation and gratitude for accordng Ijebu Province the honour of a membership of this august assembly. We sincerely thank Your Excellency for this honour.

Whilst sitting down on this chair, and listening to the speeches of my Unofficial Honourable friends on various points, two thoughts came up vividly to my mind. The first is this. I ask myself the question, after Government has taken all these troubles to prepare accounts, memoranda, notes on estimates, sessional papers on technical subjects, etc., what is it that Government requires from African Unofficial Members in this House? In any case from such Members in my position. I developed the argument in my mind and answered the query by still further queries—would it be mere expression of opinion on matters which one knows very little; or would it be criticism of Government policies or such actions as Government desires to take? If it be the latter, I have often felt that a critic must have more facts about a subject of his criticism or far greater knowledge of a question than the person criticised—but if it be the former—that is, mere expression of opinion on matters on which we have very little knowledge, Your Excellency will forgive me when I say I cannot understand why we are told as to how certain information is to be obtained, or how opinion so required should be expressed. Your Excellency will, I am sure, grant me an indulgence if I make Your Excellency's address to this Council as an illustration.

Sir, you placed before this Council, a most comprehensive address, an address which I will respectfully describe as most remarkable for its conciseness, considering the variety of subjects it treated, but my illustration would take the form of a query—How can Government expect any Member in this House to make an equally intelligent and comprehensive comments on the various vital issues it contains within the noticeably short period between the time of the release of the address and the speeches Honourable Members are expected to make?

Your Excellency, I belong to a tribe remarkable for their frankness, and I am hoping I will not be breaking any rule of this House if I address myself to you Sir, with some frankness. If what the Government wants is a cursory and unmaturred expression of opinion then, of course, Your Excellency's address is released at the correct time at the opening of the Session as Your Excellency has done on the present occasion; but if what is required, which I humbly feel should be the case, is a well thought out, intelligent and planned expression of opinion thoroughly weighed, then Your Excellency will pardon me if I make the humble suggestion for Your Excellency's consideration that so valuable an address as emanates from Your Excellency should be sent with other papers to reach Honourable Members of this assembly some days before the Council Meeting opens.

We have listened to so many speeches since this morning, many of them containing praises showered on the Official Members, and many adverse criticisms levelled against the policy of the Heads of Departments, which the Unofficial side well deserve; some of whom have been optimistic in their views. Your Excellency pointed out in your address that the import figures are higher than the export, and that the Government is at present busy in searching for the cause of this. I am really amazed at this. Why must we search for the cause when the cause is right under our nose. We know the prices of produce last year, we also know the trouble that brought out the Cocoa Commission, and Your Excellency will forgive me when I say that it is disappointing not to find in your Presidential address a definite pronouncement indicating what action the Government intends to take on the recommendation of the Commission. The Commission, for example definitely recommended that the Buying Agreement, not being to the interest of the producers should be withdrawn. The Government has not made a categorical pronouncement or otherwise on that point with the result that although we have the assurance from the Pool Firms that the Buying Agreement has been suspended, it is an open secret that the Buying Agreement is being illicitly enforced; with the prices of produce standing so low as they are, there can be no surprise at all that the export figures are considerably lower than our import. To give a specific instance of the fact that the Buying Agreement is still being secretly and illicitly carried on, during the holiday in December last, whilst the firms establishment closed down at Ijebu Ode, and the European Firms were out of town on holiday, an advice was received by another European Firm's Agent to increase price of cocoa, and having enforced the change in price before the return of his friend of another firm, the man received a serious rebuke over the telephone for not waiting for his return before the increase in produce. Wherever you go,

the price of produce is the same, and if this is not enforcing the Buying Agreement from carrying on the pool in an illicit way, I do not know what it may mean. Unless the Government can find a way of increasing the price of produce in this country, I am afraid, there can be no improvement in our export figure for some time to come.

Other members who are more qualified to do so have made reference in their speeches to some departments of Government. Some have given adverse criticism, and others have had words of praises to give; but as I do not intend to bore Your Excellency with long speech, I will only make reference to one or two departments. Honourable Members on our side have pointed out what savings should be made in the expenditure of Government to render it unnecessary for additional tax to be imposed. I feel with them that if adequate cuts have been effected where they should really have been made, the African taxpayers who bear the burden of already heavy taxation as far as this country is concerned, would not have to be called upon again to face additional taxation. I feel Sir, that the Government should have had confidence in certain Honourable Members of this assembly, for example the Commercial Member for Lagos who could have given words of advice about the burden we taxpayers bear and how that money should be more judiciously spent. He comes more in contact with the people than do the official who insists on the imposition of more tax. To burden us with increase of taxation at this time, is like killing the goose that laid the golden eggs.

Now Sir, before I make any observation on some of the departments to which I made reference, I would like with Your Excellency's permission to invite your attention to a portion of Your Excellency's address under Provincial Administrations. On page 14 of that address, Your Excellency states as follows:—

“ Affairs at Ijebu Ode have also settled down, the
“ Akarigbo of Shagamu having given earnest of his desire to
“ make the introduction of the change as unprovocative as
“ possible. There have, of course, been minor difficulties
“ attendant on the change, but the Awujale has behaved with
“ his usual restraint and sound commonsense, and I am
“ grateful to him for having accepted with such good grace a
“ decision which could not be anything but painful to him.”

We welcome this expression of appreciation of Awujale's conduct by Your Excellency. We know our Awujale and I can assure Your Excellency that we expect nothing less from him. He has had to carry on the task of the administration under very many trying circumstances and there is no doubt that this sort of acknowledgment of his patience and forbearance must be a sort of incentive to him.

But while on this point Your Excellency, I cannot help feeling that the Awujale is not receiving from Government the support he deserves; or shall I put it this way that he has not been receiving to the full the promise which was made to him by your predecessor in 1933. At that time, your predecessor while performing the official recognition of the Awujale publicly declared that the Awujale would at all times receive adequate protection and unstinted support from time to time when occasion arose. This, Your Excellency will forgive me has not been the case. I say so for this reason: since the Akarigbo of Shagamu has separated from Ijebu Ode, every small district has been aspiring to emulate the Akarigbo. Up to the time I left Ijebu Ode few days ago, a particular district in Ijebu Ode behaved very rudely to the Resident of the province who had to leave that district indignantly and with considerable dissatisfaction, and I expect him to make representations of this unpleasant incident to the proper quarters. There is no occasion which demands that the Government should implement the promise made to the Awujale than this occasion, and also to take steps to discourage these frivolous aspirations of districts that have been under the control and influence of the Awujale.

I now refer to Police Department. I tabled a question in connection with this department the answer to which is not yet ready. I can assure Your Excellency that I have no desire to level attack against any department or any individual, but the question to which I made reference gives a clear indication to Your Excellency of what the conduct of a Police Constable is when sent abroad; although the head of the department cannot be held responsible for the action, or the bad conduct of his men, but it is definitely annoying in cases of this kind to find the head of this department instead of listening to complaints and reports affecting the conduct of his subordinate officers and be ready to investigate such reports and make effort to rectify them, he takes up the attitude which amounts to a defence of their conduct indicating the infallibility of his men who in his judgment can do no wrong. I hope Government would look into this and see to it that responsible officers especially in Ijebu Province really behave as peace officers and treat our people as men.

I would now go to the Public Works Department. My complaints are confined solely to the roads. Anybody who travels on the roads would appreciate the appalling state. It does not appear as if the Director of the Public Works Department or his men are giving the maintenance which the roads deserve: for example, Ijebu Ode-Ikorodu road, Ijebu Ode-Abeokuta road this time require immediate attention as the road users have a right to have value for their money as they pay heavily for these roads.

The only road that is good in the south-west area is Ibadan-Abeokuta road; even the Ibadan-Ijebu Ode road recently repaired is not as good as Ibadan-Abeokuta road. The at one time excellent Lagos-Abeokuta road is even now deteriorating, although there are patches being made here and there, but as I have said before, if the road users pay so heavily for the use of these roads, they have a right to expect from the Honourable the Director of Public Works good value for their money; and I ardently hope this matter will receive his immediate attention.

Your Excellency, as there is a case still *sub judice* in Ijebu Ode Medical Department, I would make only a short observation on this department. The evil that prevails in our province now is that of promiscuous giving of injections in several districts by the locally trained Nurses—Nurses trained for only six or twelve months. Although it is said they are no longer authorised, yet there are evidences of their illicit activities. I would just refer to a case that came under my observation. The Bale of a certain district came to my surgery after many weeks that he had arranged with me. On my asking why he had been so delayed, he there and then related the story of a friend of his who went to one of these Government Dispensaries for injections and was advised to take two doses at the same time when he indicated his inability to return the following week. He had one on each arm and a few days took ill. His teeth became loosened with mouth swollen and sore and he died seven days after the injections. The brother of the deceased came with the Bale to my surgery and corroborated this story. This story is typical of all other dispensaries and these Nurses still give injection illicitly and with impunity. I submit Your Excellency, that this is a state of things that deserve much to be looked into and cannot be allowed to continue indefinitely.

Sir, under Co-operation in your address of yesterday you stated *inter alia* that—

“Badly managed Co-operative Societies are worse than none at all.”

This is the precise condition with these dispensaries. Badly managed dispensaries, Your Excellency, are worse than none at all. We cannot shut our eyes while these havocs are going on. If the dispensaries cannot be well managed by duly qualified personnel, then I submit they must be scrapped. Your Excellency, I am done.

ADJOURNMENT.

The Council adjourned at 4.30 p.m. until 10 a.m. on Wednesday, 8th March.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA
ON
Wednesday, 8th March, 1939.

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Wednesday, the 8th of March, 1939.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable Mr. C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,
His Honour Mr. T. S. Adams, C.M.G.
- The Acting Chief Commissioner, Southern Provinces,
His Honour Mr. G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable Mr. H. C. F. Cox, K.C.
- The Financial Secretary,
The Honourable Mr. H. L. Bayles, C.M.G.
- The Commandant,
The Honourable Brigadier D. P. Dickinson, D.S.O.,
O.B.E., M.C.
- The Director of Medical Services,
The Honourable Dr. R. Briercliffe, C.M.G., O.B.E.
- The Director of Transport,
The Honourable Mr. G. V. O. Bulkeley, C.B.E.

- The Director of Education,
The Honourable Mr. E. G. Morris, O.B.E.
- The Director of Marine,
The Honourable Commander A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. E. C. F. Bird.
- The Acting Deputy Chief Secretary,
The Honourable Mr. T. Hoskyns-Abrahall.
- The Senior Resident, Kano Province,
The Honourable Mr. J. R. Patterson.
- The Resident, Oyo Province,
The Honourable Captain E. J. G. Kelly, M.C.
- The Resident, Owerri Province,
The Honourable Mr. F. B. Carr.
- The General Manager of the Railway,
The Honourable Mr. J. H. McEwen.
- The Director of Public Works,
The Honourable Mr. S. J. W. Gooch.
- The Director of Agriculture,
The Honourable Captain J. R. Mackie.
- The Honourable Captain A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.
- The Honourable Mr. S. R. Marlow,
Deputy Financial Secretary (Extraordinary Member)

UNOFFICIAL MEMBERS.

- The Member for Shipping,
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,
The Honourable Dr. H. Carr, O.B.E., I.S.O., D.C.L.
- The Member for the Ibo Division,
The Honourable Mr. B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable Mr. S. B. Rhodes.
- The Member for the Warri Division,
The Honourable Mr. A. Egbe.
- The Member for the Oyo Division,
The Honourable Mr. N. D. Oyerinde.
- The Banking Member,
The Honourable Mr. D. D. Gibb.
- The Commercial Member for Lagos,
The Honourable Mr. R. M. Williams.

- The Member for Calabar,
The Honourable Revd. O. Efiang.
The Member for the Ibibio Division,
The Honourable Mr. N. Essien.
The Member for the Ijebu Division,
The Honourable Dr. N. T. Olusoga.
The Second Lagos Member,
The Honourable Dr. K. A. Abayomi, M.D.
The Third Lagos Member,
The Honourable Mr. O. Alakija.
The First Lagos Member,
The Honourable Mr. H. S. A. Thomas.

ABSENT.

OFFICIAL MEMBERS.

- The Senior Resident, Plateau Province,
The Honourable Mr. E. S. Pembleton.
The Senior Resident, Onitsha Province,
The Honourable Mr. A. E. F. Murray.
The Senior Resident, Ilorin Province,
The Honourable Mr. F. de F. Daniel.
The Senior Resident, Sokoto Province,
The Honourable Commander J. H. Carrow, D.S.C., R.D.
The Resident, Benue Province,
The Honourable Mr. D. M. H. Beck, M.C.
The Resident, Niger Province,
The Honourable Mr. P. G. Harris.
The Resident, Katsina Province,
The Honourable Mr. R. L. Payne.
The Secretary, Northern Provinces,
The Honourable Mr. A. E. V. Walwyn.
The Acting Secretary, Southern Provinces,
The Honourable Mr. E. N. Mylius.

UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,
The Honourable Mr. P. H. Davey.
The Commercial Member for Kano,
The Honourable Mr. W. J. Ogden.
The Commercial Member for Calabar,
The Honourable Mr. L. A. McCormack.
The Mining Member.
(Vacant).

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 7th March, 1939, having been printed and circulated to Honourable Members were taken as read and confirmed.

QUESTIONS.

The Hon. the Member for the Oyo Division (Mr. N. D. Oyerinde):

1. (Question No. 3 of the 7th of March, 1939). (a) Is it a fact that an Appeal in a land case *Oluwofin vs. Ige*, which came from Olubadan's Court to the District Officer's Court, Ibadan, where evidence was taken and the appellant was required to pay £25 for survey has been sent back as a fresh case to the New Native Land Court?

(b) If so, why?

Reply not yet ready.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

2. (Question No. 5 of the 7th of March, 1939). (a) Is correct that there is a seminary established by the Methodist Mission for girls or women at Ituk Mban Village in the Uru Clan, Uyo District? If so,

(b) What is the number of the members on the staff, and what are their names, nationalities, qualifications and salaries?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

3. (Question No. 6 of the 7th of March, 1939). (a) To ask the Honourable the Director of Education which of the Middle Schools and Colleges in the Northern Provinces of Nigeria admit pupils whose parents are non-natives of the Northern Provinces?

(b) What is the total number of such pupils?

(c) How are they distributed among those schools and colleges?

(d) Which of the Middle Schools and Colleges of the Northern Provinces are not to admit pupils whose parents are non-natives of the Northern Provinces of Nigeria?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

4. (Question No. 10 of the 7th of March, 1939). (a) To ask for full details in connection with a certain incident which occurred in Calabar on the 17th of January, 1939, in which it is alleged one Mr. E. H. Efiom was seriously assaulted and wounded by police constables in an attempt to arrest him?

(b) What was the crime for which it was found necessary to arrest him?

(c) What injuries did he sustain and how did he manage to sustain those injuries?

(d) What official action has since been taken in the matter?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

5. (*Question No. 13 of the 7th of March, 1939*). Is Government aware of the action of a Police Constable, Thomas Shorunke in Ijebu Remo Division of the Ijebu Province, who at Ilishan stripped naked one Bakare Sari, ordered him to be severely beaten, causing bodily harm and ordered the wounds thus inflicted to be massaged with pepper, and ordered the man in stark nakedness to be paraded around the public streets and markets in broad daylight at Ilishan, as a result of which treatment Bakare Sari was later removed to the hospital at Ijebu Ode for medical treatment; that reports were later made to the Assistant Superintendent of Police and the Resident, Ijebu Ode, and evidence given in connection with the incident in December, 1938, in the High Court at Ijebu Ode. To ask:—

(a) What was the nature of the report made by the Medical Officer on his treatment of Bakare Sari especially when giving evidence in Court?

(b) What remarks did the Judge make in his findings particularly on the action of this policeman?

(c) Whether any police constable has justification to treat an offender so brutally and in so inhumane a manner as described above? If not,

(d) What is Government prepared to do to obviate a recurrence of so disgraceful a treatment from the hands of police officers to the members of the public?

(e) What was the step taken by the Assistant Superintendent of Police to whom this incident was reported?

Reply not yet ready.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

6. (*Question No. 14 of the 7th of March, 1939*). (a) Whether Government is aware—

(i) That between January and February, 1935, survey work was done and cement pillars put in on the lands belonging to the people of Itam Clan in Itu District, and of Oku and Offot Clans in Uyo District?

(ii) That the inhabitants of the areas in question were greatly disturbed by that interference?

(iii) That in consequence of their being so disturbed, the people opposed the work and objected to the manner in which their lands were being so dealt with?

- (iv) That two letters—(1) dated 6th February, 1935, with a penny stamp fixed thereon, and (2) M.P. No. U.61 dated 28th February, 1935,—were written by (1) the Resident, Calabar Province, and (2) the Acting District Officer, Uyo, and addressed to (1) the Itam and (2) the Offot Councils, respectively, on the matter?
- (v) That a police escort was engaged on that occasion against the people of Oku and Itam Clans? And
- (vi) That the cost of the escort, according to the Acting District Officer Uyo's letter referred to above, was charged to the funds of the Oku and Offot Native Administrations?

(b) Whether the owners and possessors of those lands were previously constitutionally informed of the survey and putting in of the cement pillars on their lands? If so,

(c) Whether their legal consent was obtained? If so,

(d) How and by what means were such steps taken? If not,

(e) Why not?

(f) In what way and by what means are the owners and possessors of these lands benefited by that survey and by the putting in of the cement pillars in such a manner?

(g) What did the Resident, Calabar Province, mean in his letter referred to above by—

(i) Restraining the Itam people from making free use every part of their land?

(ii) Cautioning them against the cement pillars so put on their land?

(h) What import or interpretation does a penny stamp fixed on in that manner at the bottom of the left side corner of the Resident's letter referred to above, within an impressive (office) stamp with inscriptions—

“ D.O. ”, on the top,

“ 6 Feb. 35. ”, in the middle, and

“ ITU ”, at the bottom,

carry between the Government and the people concerned, in relation to those lands?

(i) What, in principle, is the legal position now between the Government and the Ibibio people concerned, in relation to those lands?

(j) *Apropos* paragraphs 1 to 3 of the Acting District Officer Uyo's letter referred to above—*re* the police escort:—

(i) What peaceful and persuasive means did the Acting District Officer adopt and had these means failed him on that occasion ere he obtained the police escort on the approval of “ His Honour the Lieutenant-Governor ”?

(ii) What was the real purpose for which the police escort was so urgently required in the circumstances?

- (iii) Why was the police escort so ready at the disposal of the Acting District Officer, Uyo, against a law-abiding people, under the circumstances?
- (iv) Why should the cost of the escort be borne by the Oku and Offot Native Administrations, in view of the fact that no constitutional policy was previously adopted to furnish the people with proper information and to obtain their legal consent before the work was commenced?
- (v) How much money was the actual cost of that escort?
- (vi) Was that cost or any part thereof actually borne by any of the Ibibio Native Administrations? If so,
- (vii) Under what Head was that cost of the police escort paid into the Revenue?
- (viii) Was there any record kept of that payment? If there was,
- (ix) What are the contents of that record? If such a record was not kept,
- (x) Why was it not kept?
- (k) Whether Government by virtue of the Laws of Nigeria, Volume IV, Page 379, Article XI of the Royal Instructions dated the 9th of December, 1922, will be pleased to consider the advisability of—
- (i) Refunding to the Oku and Offot or any other Ibibio Native Administrations concerned the cost of the police escort referred to above, if such payment was actually made by them?
- (ii) Removing those cement pillars from those lands and restoring unconditionally to the owners and possessors thereof unqualified enjoyment of their property?
- (l) If the answer to Question 62, (k) (i) and (ii) is in the negative, for what reason or reasons is the request not granted?
- (m) Whether a detailed account of the cost of that escort can be rendered, if it was otherwise defrayed? If so,
- (n) From what fund was it defrayed? And
- (o) What were the accounts of the cost of the escort?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) (i) to (vi) and (b) The incidents to which the Honourable Member refers occurred in February and March, 1935, in the Itu and Uyo Divisions of the Calabar Province during a survey of the area for the compilation of the Ikot-Ekpene standard sheet of the map of Nigeria. A topographical survey party was engaged in fixing the position of the Cross River and of certain main roads

in the area and for this purpose it was necessary to set up a number of beacons along and near the roads and the river. Unfortunately, only short notice was received of the party's arrival in the Itu Division but on the 23rd January, 1935, the villages along the first road to be surveyed were notified of the impending survey and of its object. No opposition was offered to the survey until 2nd February when it was held up by a crowd of women of the Itam Clan, who uprooted the traverse pegs and prevented the emplacement of beacons. The women were suspicious of the object of the survey and were under the impression that some claim, of which they were ignorant, was being made upon their land. Meetings were held by the District Officer but his assurances that the survey in no way threatened their ownership of the land proved unavailing and the women maintained an obstructive and hostile attitude. The survey was temporarily suspended and a police escort was applied for and was sanctioned. The Resident discussed the situation with the Itam Clan Council, explained the object of the survey and repeated the assurance that no threat to their interest in the land was implied. He issued the statement embodying these assurances to which the Honourable Member refers and copies of this statement (each stamped, at the request of the women, with a penny stamp and the District Officer's official stamp) were distributed to the members of the Council. The survey was then resumed but, in view of the previous demonstrations, was considered advisable to retain the police escort until it quite certain there would be no further obstruction.

Meanwhile the District Officer, Uyo Division, had informed the Clan Councils concerned of the object of the survey, both by written notice and at meetings of each of the Councils. Assurances were given similar to those given in the Itu Division. These, however, were not accepted and the Councils adopted an uncompromisingly obstructive, and in some cases hostile attitude; the survey party was therefore accompanied by the District Officer with a police escort while working in the Uyo District.

A similar attitude was adopted by the Clan Councils in the Al District, despite assurances from the District Officer; the police escort was therefore retained during the early part of the survey operations in this district but was finally withdrawn on 6th April when the Councils of the Clans whose areas were still to be surveyed had undertaken responsibility for the safety of the party.

As the necessity for employing the police escort in the Uyo and Abak Districts was due entirely to the obstructive attitude adopted by the Native Authorities the Governor directed that the extra expenditure incurred by the Government in providing the escort should be paid by the Native Administrations concerned in those districts.

(c) No such consent was required. The survey was a public survey, for the purposes of which surveyors authorised by the Surveyor-General are empowered by section 37 of the Survey Ordinance to enter upon any land and, among other acts, to set up survey beacons therein.

(d) and (e) Do not arise.

(f) They benefit to the same extent as do any other people from the provision of accurate maps of Nigeria in general and of their own area in particular.

(g) (i) The Resident's statement explained unequivocally that the placing of the beacons in no way interfered with the use of the land by the people for any purpose provided that the beacons themselves were not dug up, moved or covered up.

(ii) The removal or obliteration of a survey beacon set up for the purposes of a public survey is an offence under section 40 of the Survey Ordinance.

(h) It had no especial significance. The stamp was affixed at the express request of the women and of the Itam Clan Council, who, it is presumed, considered that it gave added authenticity to the document.

(i) Precisely the same as it was before the survey was undertaken.

(j) (i) The District Officer addressed a letter to the Clan Councils concerned on the 6th February, informing them that the survey party was coming into their areas, explaining the purpose of the survey and assuring them that it had no other object. He also held meetings on the 16th, 18th, 22nd and 25th February with the Councils of the Offot, Uruan, Oku and Ikonno Clans and on the 27th February a joint meeting with the Offot and Oku Clan Councils. It was only after this last meeting, when the Council members refused to modify their intransigence, that he applied for a police escort.

(ii) To ensure the safety of the survey party and to obviate obstruction.

(iii) Because the Lieutenant-Governor was satisfied that a police escort was required.

(iv) See the reply to (a) and (b) above.

(v)-(x) See the reply to (o) below.

(k) (i) No, Sir.

(ii) No, Sir, the beacons must remain; except for the prohibition to remove, cover or injure the beacons the owners are in unconditional possession of the land.

(l) The necessity for employing the escort arose from the failure of the Native Authorities of these areas to perform their duty of maintaining law and order and it is only right that the extra expense incurred by Government on this account should be met by the Native Administrations concerned. The pillars are still required for survey purposes.

(m) and (n) See the reply to (o) below.

(o) Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

7. (Question No. 15 of the 7th of March, 1939). To ask whether Government will favourably consider the question of paying salary at £48 a year from the dates of the confirmation of their appointments, to Probationer Clerks who did not pass the Junior Clerical Service Examination owing to that examination being abolished by Government before the expiration of the period of three years allowed for passing it?

Reply not yet ready.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

8. (Question No. 22 of the 7th of March, 1939). Has any decision been reached on the question of providing some form of Special Allowance to cover an exceptional case of an officer who is dismissed owing to misconduct after having rendered valuable service during the bulk of his career?

Reply not yet ready.

BILL.

(Second Reading).

THE 1939-40 APPROPRIATION ORDINANCE, 1939.

The Member for the Ibibio Division (The Hon. Nyong Essien):

Your Excellency, I thank Your Excellency for having placed before us an address that has shown us that Your Excellency and your regime were indeed very busy in the interest of Nigeria. In your address you welcomed the Unofficial Members who have been newly appointed. I appreciate it very much as I am one of those newly appointed and thank Your Excellency very much for your kind consideration. May I submit, Sir, that although we are here to represent the inhabitants of Nigeria—though not by majority—there are many others outside and I have the courage to say, Sir, that there is room enough in this House for them to come in. Therefore, I submit to Your Excellency to extend the consideration you have shown to us to those outside so that they may come to this House and so enable us to make one complete political fold with Your Excellency as the political shepherd, because it is only when all sections of the community are represented that we will be able to present the views of those outside and also to criticise all branches of the Government in the interest of Nigeria as a whole.

Before I stress a few points in the Budget, Sir, I beg Your Excellency to allow me to associate my name with certain points which have been raised by my predecessors,

The Honourable the Member for the Rivers Division laid stress on the new taxation which is suggested should be levied on the people. We need taxes because without taxes being paid the Government and the efforts of the Government would prove fruitless; but in the present state of affairs if bicycles are taxed those who are in the Colony may not perhaps feel it very much because bicycles are used in the Colony for pleasure when compared with bicycles in the provinces. In the provinces, Sir, our bicycles are our carriers; they are our masters; they are our mistresses and if a tax is levied on bicycles it would mean a great loss to the revenue because those in the provinces who purchased cycles in the past would simply sit down and say if buying a bicycle amounts to punishment then we need not buy bicycles; we had rather sit down and see what happens and thus suffering and unemployment will increase. Formerly when we were doing a big business in trade we found our cycles profitable but the depression in trade and fall in prices and other hardship therefrom have scattered our families: Boys and girls who are big enough to render assistance to their parents cannot remain at home because there is not sufficient to eat to make them strong enough to work and help their families.

I am not sure that we all know what is going on in Calabar and the District Courts so far as divorce is concerned. Trade depression and unemployment have brought that state of things to the communities. If our bicycles on which we depend so much are taxed then I do not know what will happen. So, Sir, if Government will reconsider the question and not levy new taxes on bicycles I think that something will have been done in the interest of the people.

Another Honourable Gentleman referred to the administration of justice in the native courts. As one of the Presidents of a native Court I have to mention this, Sir, without shame, and that is that justice in the native courts has suffered. The reason is the present state of things has driven the native courts in Nigeria to trade with justice. Justice is being given to the highest bidder. Why should that be so? I think, Sir, the responsibility for this rests on our shoulders as well as on the Government. The present system of things is that a man is required to pay the tax and every tax-payer is considered to be a Judge. Your Excellency knows, that Judges are born and not made. Since all tax-payers are Judges in the native courts, justice must suffer and in any state in which justice suffers the people there cannot be happy; they cannot be satisfied because in the veins of the state justice is life blood. Shall I suggest, Sir, if my suggestions can be of any use at all, that the Government should draw up a plan to scrape some of these quack judges of the native courts and give their benches to those who are thoroughly known to be wise, truthful and faithful

education is given to the masses of Nigeria, Sir, things will not go on well. It is a good education that begets good training. It is a good education that begets good clerks. It is a good education that begets every aspect of a nation's good and brings the nation to the true estate of a nation. Nigeria is suffering. Britain is not unmindful of us because when we think of our great mother Queen Victoria we feel proud to have belonged to England and about three months ago we pledged our loyalty to the English throne, when Hitler threatened the world. It was Your Excellency's predecessor—Sir Hugh Clifford, who, between 1920 and 1924, introduced the scheme of education that obtains now in Nigeria. He thought that the former system of education was bad and that the system he suggested in 1924 was better.

According to him, that educational system of his was intended to serve "the present state of their development"—in his own words—"the type of education which is best calculated to serve the interests of Nigerians in the present state of their development."

He suggested that the former system of education had gone in the wrong direction and that he had come to introduce what he thought was good for us and—thank God! Governor Clifford's system of education has continued until this day. It now needs to and should be improved. Governors come and Governors go but the policy of Government remains the same, notwithstanding, it is a fact that the policy of Government is subject to improvement. As things are it is in the hands of Your Excellency and of your worthy lieutenants to improve the education of the people, because without education it will be impossible for us to get to our destination which is, Nigeria's economic independence and Nigeria's political independence of which Your Excellency has laid the foundation by the establishment of Native Administrations. Your Excellency said yesterday in your address:—

".....but it cannot be denied that the percentage of
" children of school age in Nigeria actually attending schools
" is regrettably low."

This is true Your Excellency. Majority always carry the rule. Considering the number of children in Schools to-day, and comparing that with the number of children who do not attend schools, the conclusion arrived at is that there are no educated children in Nigeria. What can a few hundreds of educated children do for

teachers and prepare their own curricula. However great a thing may be it must get a beginning. The future has a beginning. Where there is no beginning there can be no future. Before the present system of education was mooted we had rural schools. Efficient clerks in the Government Service to-day are some of them products of rural schools. The speaker is not ashamed to say that he is a product of a rural school. I have never had collegiate education in all my life, nor university education but I know that efficiency does not depend upon where you were educated and a true university in these days is a collection of books. What am I in the midst of 70,000 Ibibios? I am before Your Excellency as a witness of hundreds of my people who can neither read nor write. If I appear before them in this condition they will consider me a monkey or a beast. I think Sir, that the illiterates should be educated. There is no reason why Your Excellency should support the Illiterates Protection Ordinance—which I suggest should rather bear the title of "Illiteracy Protection Ordinance", and why should Your Excellency promote and protect illiteracy? I beg to suggest Sir, that our people be given the freedom of opening their own schools which should not come under the Education Code. The value of education and the necessity for education cannot be exaggerated. It is said:—

" Education will make you a power among men. It will give you power to rise in the world; power to serve and to influence others; power to enjoy life; power to shape your own destiny by the force of your own intellect.

" I am convinced also that nothing is more essential to the national prosperity and happiness than education. The potentialities, physical, mental, and spiritual, of every member of the community should be developed to their fullest extent.

" A true education would embrace all these, would cultivate them all in due proportion, and would transform our national life in a generation."—H. M. THE KING.

Therefore, " Educate the people ", said President Jefferson.

Your Excellency, schools are cheaper than prisons and schools are cheaper than hospitals and I say, Sir, that if only the masses in Nigeria are educated your name will be immortalised, and it will take very few to go to prisons and a few to go to hospitals, because vice and virtue, sickness and health, originate in the mind. I pray, Sir, for the freedom of opening schools. Give the people the freedom of opening their own schools without restrictions. A writer Sir, says:—

" The rural school in England generally makes a sad picture. At the base of its troubles is poverty of funds. The one thing needed to improve rural education all over the world

is more money, and England is no exception. The premises are old, sometimes insanitary, desks antiquated and unhygienic, apparatus and equipment meagre, and staff composed largely of unqualified persons—young women who have been promoted from dress-making to citizen-making, and children of a certain age but uncertain culture.”—R. E. Hughes, M.A., B.Sc. (Lond.)

Even to-day, Sir, I do not know England but I know Your Excellency and I know that there are rural schools in England and if more consideration can be given for our education I think the Government will have something to be proud of. This book qualifies a scene of one of those rural schools thus:—

A German inspector thus gives us his impressions of such a school:—

“ I reached the village early in the day and looked for the school-house, which I expected to find near the church, but I could see no building at all resembling a school. After searching in vain for some time, I was directed by an old woman, in answer to inquiries, towards—good heavens—what a place!

“ It was a low, mean, one-storeyed hovel with windows so near the ground that every passer-by could look in, but that dirt obscured the glass. Entering the low room I found seventy children crowded round a man whose appearance by no means corresponded with his wretched surroundings. He was evidently absorbing the whole attention of his scholars. Glancing at the time-table, I arranged for the examination.

* * * *

The replies pleased me. It is no small credit to the master when shy village children execute the orders of a stranger with readiness and precision, follow his questioning with eagerness and intelligence, and give their answers with thoroughness, thoughtfulness and correctness of language and pronunciation.—Rooper (School & Home Life).

Such, Your Excellency, is the scheme of education in the leading nations of the world to-day, namely, England, America, Germany and France. Therefore, Nigeria craves that the same general rule be applied within her borders: for nations are like individuals, what affects the one affects the other.

Now Sir, I refer to the Illiterates Protection Ordinance. Instead of protecting illiterates it protects illiteracy at the expense of the illiterates because education makes a lot of difference. Here is an illiterate man being cheated; his justice is being sold to another. He cannot afford to engage a lawyer and so he gets someone to write a letter and pays a fee for that letter. What is at the back of this

man's mind. He says that rather than send his child to school to come out and write letters and charge a shilling he will let his child be a day labourer and earn more money. Thus education suffers.

When the illiterate man realises the value of education he will send his children to school even without a law to bring about compulsory education. Your Excellency's duty is to promote education and not illiteracy. Instead of preaching the true value of education to illiterates, the "Illiterates Protection Ordinance" underrates education in the estimation of the illiterate man who, thereby, prefers illiteracy to education. In the interest of the race, that Ordinance should be repealed. It is knowledge that produces wealth; and it is better to learn by experience rather than by force of Law.

Protection of the illiterate from exploitation by the literate African can neither educate the illiterate, nor protect him from being exploited by the white trader. The mission of that Ordinance is to kill the man and save his money. The mind is the man. The mind of Nigeria, therefore, yearns and calls for complete education.

I beg to refer Your Excellency to the Estimates of revenue. If I do not make a mistake, Sir, the amount to be expended on Agriculture in 1939/40 is put down at £136,390, that to be expended on education in the same year is £273,193, Medical £416,427; Police £236,463. On Prisons what is to be expended in the same period is £101,720. Taking the sums of money as round figures we say that £100,000 is to be expended on Agriculture double that is to be spent on Education; twice that of Education is to be expended on Medical. Expenditure for education should not go down lower than the third place in the Revenue. The slogan "back to the land" alone cannot save Nigeria. I think, Sir, that if education is helped then Nigeria will be helped. Prison gates will be closed, because the seat of crime is in the mind and when the mind is educated the person cannot commit a crime in ignorance. I submit, Your Excellency, that while encouraging education in colleges and secondary schools, the foundation of all education should be in primary schools and I urge that we should be given an opportunity of opening our own schools, appointing our own teachers, and preparing our own curricula without restrictions.

I appeal to Your Excellency, because we have long been suffering. It is in your hands, Sir, to rescue Nigeria from the position in which she is now. I thank Your Excellency for your patience.

The Member for Shipping (The Hon. H. S. Feggetter):

Your Excellency, I rise with your permission to make a few brief remarks on the occasion of the second reading of this Bill. I sympathise very much with the feelings of the Honourable the

Financial Secretary who in June last saw the avalanche bringing down the deficit in revenue which gradually increased in impetus and size. I appreciate that we have had to pare and prune expenditure to the absolute minimum. There are, however, as has been pointed out, certain items which are practically constant and one of those is the question of personal emoluments and pensions. The personal emoluments for this year with pensions are £2,897,000. Our estimated revenue is £5,865,000, that is to say, for every pound we collect in revenue practically 10s. is going out in pensions and personal emoluments. I quite realise that it is impossible to cut this straight away as revenue falls but I submit to you, Sir, that on occasions when higher posts fall vacant the possibility should be explored as to whether the new holder automatically and immediately takes the post just vacated, at the same emoluments. I am in agreement with the Honourable the Commercial Member for Lagos where he says that the Honourable the Financial Secretary has been too optimistic in his estimates of revenue. I should not for a moment suggest that the Honourable the Financial Secretary would dream of window dressing a balance sheet but it seems to me that not only have Customs duties been overestimated but also such items as transport on coal, harbour dues, towage, light and buoyage dues. They are all greater than the Estimates for the current year. If trade is going to get worse I do not think the Marine will have to carry so much coal and we shall not have so many ships coming into the port paying berthage and buoyage dues. I sincerely hope there will be some silver lining and as my Honourable friend the Financial Secretary seemed to derive no little consolation that the additional taxes imposed were less than rumour anticipated, I think we might console ourselves that things would have been very much worse had the crisis in September last not been averted. Whilst on this subject I think I ought to draw attention to the fact that our increase in the Military vote is less than two per cent. Do you, Sir, consider that is quite enough in view of the war clouds which are hanging over Europe?

I now come to the question of Railway revenue. This has suffered a severe loss owing to the short fall in the groundnut crop. In October last the consensus of opinion amongst growers, shippers and buyers, both European, Syrian and Arab, in the North was that we should have a crop of 260,000 tons based on planting and good growing weather. It was urged that freights should be reduced to enable the farmer to bring in his crops from far away areas. Railings to date are only approximately 140,000 tons and we are told that the farmers in the growing districts have left the groundnuts unpulled owing to low price or used them for local consumption.

Less than a month ago—to be exact the 10th of February—the Railway reduced the freight by 8s. a ton—that is from £4 a ton to £3 12s. It was stated that the reduction in freight resulted in a rise in price to the farmer and I certainly think that had a bolder policy been adopted earlier more groundnuts would have come in. Had we had that difference of 120,000 tons at even £3 a ton it would have gone a long way to making up the additional taxation with which we are now faced.

I should like to make a few remarks about Forcados Bar. This Bar has been silting up for many years and has given cause for anxiety to all connected with shipping using that Bar. The Consulting Engineers had put up a very costly scheme for erecting moles similar to those in Lagos.

His Excellency:

If I may correct the Honourable Member on a point of fact, no scheme has been put up.

The Member for Shipping (The Hon. H. S. Feggetter):

I beg your pardon, Sir. It has been tentatively suggested that moles could be erected.

His Excellency:

Again, if I may correct the Honourable Member; No. It has been suggested that moles might be constructed.

The Member for Shipping (The Hon. H. S. Feggetter):

If moles were to be constructed the cost would be prohibitive. The alternative is dredging and this is a very costly and expensive business. We have had the opinion of the Consulting Engineers who have been our Consulting Engineers for many years. If a man falls sick even a specialist does not hesitate to call in expert opinion. I think in view of the fact that we seem to have got to stalemate with regard to Forcados Bar that might be done by this Government in this instance. It would not detract in any way from the reputation of the Engineers which is extraordinarily high. I think such a course would be most advisable. We were informed at the last meeting of the Transport Board by the Director of Transport that the Director of Marine has found that there is now more water at the entrance to Escravos River. If this Bar can be deepened and dredging now in progress is successful, it will solve the problem of Forcados Bar and I sincerely trust it may do so.

The Honourable the Commercial Member for Lagos touched upon the question of African clerks. Since I first came to Lagos nearly twenty-eight years ago I have made many friends amongst the Africans and I have known the great sacrifices made by many of them to educate their children. Unfortunately, the tendency nowadays seems to be for many of these boys to pass Middle III then leave school. Probably 95% of the applications I get are from boys who have not passed any higher than Middle III which for practical purposes is no use whatever in an office. In the United Kingdom—in England, Scotland and Ireland—parents in the past have made sacrifices to give their children a decent education and it is not enough for the African to educate his boy as far as Middle III and then turn him out on the streets.

There is one more point to which I would like to draw attention, Sir, before I close and that is the Companies Income Tax which has been brought to the light of day prematurely. In view of the magnitude of the issues involved and the lack of time available for us to study any details, I respectfully ask Your Excellency that a select Committee might be appointed to go into this and examine the details of this Bill before proceeding.

I thank you, Sir.

The Member for the Colony Division (The Dr. the Hon. Henry Carr, O.B.E., I.S.O., D.C.L.):

Your Excellency, I wish to join my voice to those which have extended a hearty welcome to the three new Honourable Members on the Official side of the House. Long before the arrival of our new Chief Secretary in Lagos we had heard of his admirable qualities, of the sympathy, patience and spirit of conciliation showed by him in the management of the affairs of the Colony from which he has come to us at a very troublous time in its history. We fully realise that his promotion from Jamaica to Nigeria is a great loss to the people of that island and we deeply sympathise with them; but at the same time we confidently cherish the hope that their loss is our gain. Another Honourable Member whom we heartily welcome is our new Director of Education. He comes to us as the head of a department of which for many years I was a humble member till I strayed to the administrative service. I am therefore greatly interested in his appointment, and I am glad that I am able to say that during the few months since his arrival in Nigeria he has shown such an understanding of our educational problems and such a consideration in the efforts he has made to solve them that the men and women with whom he has been placed in relation already regard him as an old friend. I consider it a distinct advantage to us that he has come from East Africa. As the work of Education was begun in that region many years later

than in Nigeria, some people might be led to think that it should be our privilege to send our educational officers to East Africa to show the light there instead of importing their own officers here to be our guides. Owing to historical accidents the spread of education in this country has not been along the same lines as in East Africa. Large numbers of repatriates who had been in contact with Western civilisation and had come under the influence of Christianity in distant lands became together with their descendants the leaders of their fellow-countrymen on their return home. On the other hand, the indigenous natives, and particularly their chiefs and rulers—did not eagerly seize the opportunity of education which was offered to them by Christian missionaries who came to the country. In East Africa, on the other hand, the education of chiefs and rulers proceeded *pari passu* and, as all successful reforms come from above, the people were encouraged and stimulated by the example set to them by their chiefs and rulers. It has therefore not happened in East Africa, as it does in Lagos, that in the march of progress the natural leaders of the country have become the followers of their people. But the social conditions of the communities in the Protectorate of Nigeria are quite different from those of the Lagos community, and now that attention is being given to the promotion of mass education in the country, I think as I have said, that it is a distinct advantage to have as our new Director of Education an officer who, like the last but one of his predecessors, has gained his administrative experience in East Africa under similar conditions to those in our Protectorate. The third new member who has also been heartily welcomed is the Honourable Director of Public Works. We shall have the benefit of his experience and also his advice and guidance in the preparation of the designs of new buildings for schools and colleges and in this connection I am thinking first and foremost of the proposed buildings of Queen's College. We hope to get from our new member architectural designs in attractive styles for buildings which can be erected at moderate costs.

I wish also to join in expressions of congratulations to the two distinguished Honourable Members who have been recently advanced to high administrative appointments. We all wish each of them the greatest success in his new office.

We have met here to-day in a ceremonious air of gloom. Our revenue has been considerably reduced, our expenditure has to be maintained, and we have to do all we can to balance our budget. It is not an easy time for either the Government or the people. We are faced with the necessity for the imposition of new taxes, but at the same time we realise that the incidence of the taxes must fall very lightly on the people. Yesterday the Honourable Member for the Oyo Division drew the attention of the House to

the proposal to increase the Customs duty on school stationery. He pointed out that, if effect were given to the proposal we would be inflicting a great hardship on the large majority of parents who are now making heroic efforts to pay the school fees of their children. When the Honourable member was speaking I had in my pocket a letter which I received from the Principal of one of the secondary schools in Lagos, and with Your Excellency's permission I shall proceed to read it to the House:—

I see there is included in the Budget an increase to 15% *ad valorem* on stationery. This is a very definite handicapping of the people who now manage to send their children to school, but are definitely on the poverty line. I do not know whether this point might have some consideration or otherwise. Personally I doubt whether the majority of the Legislative Council realise how close to the poverty line a large number of parents, who send their children to school, live. An increase of a few pence means definite hardship and for some an end to their children's education.

The apprehension of the writer of the letter is, in my opinion, fully justified, because, during the period of the general retrenchment of the personnel of the Government service about six years ago, a large number of men who were the bread-winners of their families were thrown out of employment and could not get anything to do anywhere. They were to be seen loitering all day every day on the Marina and in different parts of the town. The misery and sufferings of these people were most pitiable. Many of them had to withdraw their children from school as they were unable to pay the school fees. To their distress was added the fear of the future of their children. The degree and extent of the poverty of the people of this country is not generally realised. The majority of our people live only from hand to mouth—their laughter and gaiety, their singing and dancing on nearly all occasions, their adorning of themselves with borrowed plumes, all these display but a false and artificial standard of living and are really the escape of a people of artistic temperament from misery and boredom. A few of them make moderate profits from their domestic trade with European firms, and there are also clerks, salaried men and wage-earners in Government and mercantile employments but the large majority consists of market-women, hawkers, petty traders, food-sellers, artisans, butchers, canoemen, fishermen and carriers. It is all they can do to pay the school fees as they become due from month to month or from quarter to quarter, and these fees are now exceedingly high in comparison with the earnings of the parents.

For many years after the arrival of the missionaries in this country, school education was very cheap, and, indeed, the parents

at first asked to be paid for sending their children to school, for school education was not then a social necessity. Nobody needed to be educated in order to get his livelihood. But the present time a boy or a girl needs to have a fair education before he or she can get an employment and earn a livelihood. We should therefore take into consideration not only the hardship that would be inflicted on the parents but also the disability under which our boys and girls would labour if the cost of school education were raised. We have heard it said in this Council that the Gold Coast and Sierra Leone have set us the example in one thing or the other. But by not imposing an additional tax on school stationery we shall be setting a good example to Sierra Leone at any rate. I remember hearing that a native of Nigeria who was a student of the College in Freetown ordered a number of books from England and on their arrival found to his surprise that he had to pay Customs duty of 15% *ad valorem* on the cost, while in Nigeria he had never paid duty on books. He therefore on this ground made a representation to the Government of Sierra Leone and was thus instrumental in bringing about the abolition of the duty on books in that Colony. It will be admitted that this incident reflects great credit on Nigeria. We should be proud to live up to our reputation and refrain from increasing the duty on school stationery. In this connection I wish also to make a few remarks in support of the recommendation of the Honourable Member for the Oyo Division that corrugated iron sheets should not be removed from the free list in so far as Customs duties are concerned. The poor people in the Protectorate are striving to cover the roof of their houses with this uninflam- mable material in order to protect them from destruction by fire— a disaster of frequent occurrence. To impose Customs duty on this material will mean to increase the local selling price, and the result will be that many people will be unable to buy it for the purpose of covering the roof of their houses with it, and then the safety of their houses cannot be insured. Such a state of things cannot make for the happiness of many people.

The Estimates will presently be considered in detail in Committee; but there are some questions of general principles or policy arising therefrom on which I now take leave to expatiate. The Honourable the Commercial Member for Lagos referred in his speech this morning to the question of the training of Africans for higher appointments in the Government service and at the last session he also spoke on the same subject. What he said then he has now in effect repeated. To quote his words it is that

“What is far more to the interests of the African is to train him and direct him on specialised lines thus fitting him to fill the posts which are now being filled by Europeans.”

ago to establish King's College in Lagos with a view to raising the standard of the education of the youths of Nigeria and dispensing with the necessity of importing competent native clerks into the country. Apart from what was known as the Lagos Government Moslem School, King's College is the first institution for the general education of the natives which the Government has established in Lagos, and it was not established before the year 1909, that is about fifty years after the cession. When the proposal to establish this institution was submitted to the Secretary of State he expressed the view that it seemed more desirable to establish a technical school at which the youths of the country could be trained and be made better fitted as skilled workmen. But he was informed that there was no demand for such an institution. The opportunity of learning trades was already offered to apprentices in the Government workshops and in those of master-tradesmen, and what was wanted in that direction was to produce a more intelligent class of workmen. This object, it was added, could be achieved only by the supply of competent teachers to the schools for the instruction of the youths who would be the future workmen. These competent teachers it was pointed out would be produced in the training department which should be included in the scheme of work of the proposed King's College. The institution, as it was originally proposed, was designed to produce not only competent clerks but also competent teachers. The demand for the former class of youths was very pressing because of the expansion of Government administration, and the salary scale for the clerk was consequently higher than for the teacher or the artisan. A typical example of this situation of affairs, which was mentioned in a report forwarded to the Secretary of State, was the case of a foreman carpenter in the Public Works Department at Lagos. He was a master carpenter when his eldest son was born, and he continued working diligently at his trade until the time when the report was written. He was then employed as a foreman carpenter in the Public Works Department with salary at the rate of £60 per annum, when his eldest son was at the same time a senior clerk in a Government office and in receipt of salary at the rate of £150 per annum. As long as there is this differentiation of salary scales we cannot expect that the better educated class of our youths will take to trades or even to teaching if they can hope to obtain clerical posts. Having regard to this fact the Director of Education twelve years ago recommended that the scale of salary of teachers in Government schools should as far as possible be the same as for Government clerks. The Education Estimates were then revised in accordance with this suggestion, but the increased amount involved was so large that it was left to the succeeding Director to reduce the revised scale and also to reduce the number of Government Schools.

But conditions are now changing very rapidly in this country. From year to year our schools are producing an increasing number of youths who are fitted for clerical employment and who cannot now be absorbed in Government offices or mercantile establishments because of the limited number of vacancies. These boys and their parents feel that they have a grievance. They feel that the possession of a middle Class IV Certificate entitles a boy to employment and that employment should accordingly be found for him. They are certainly not wrong in their conviction that provision should be made for every member of the community to get a decent livelihood, and we are therefore faced with the problem of giving the school boy an education which will enable him to get suitable employment. In other words we have to realise that the problem of education is the problem of constant adjustment to the changes actually proceeding in the community and to the requirements of ordinary life. When, for example, we tell the youths to go "back to the land" we should also enable them to find the land to which they have to go back and the market in which they can profitably dispose of their farm products. A definite scheme of land settlement for agricultural students is therefore a desideratum. Under such a scheme the youths will be enabled to find the land to which they have to go back at the end of their course of training. It is the consideration of this aspect of the process of Educational adjustment that has given rise to the proposal, to which I have already referred, that specialised training should be given to Africans to fit them to fill certain posts hitherto filled by Europeans. In the Higher College at Yaba arrangements have been made for training the students for the appointments of Assistant Engineer, Medical Assistant and Science Teacher. It seems desirable that the arrangements should be extended so as to include courses for the training of Africans to qualify as Assistant Veterinary Officer and Assistant Agricultural Officer. New openings would thus be created for the youths of the country.

The conditions of life in Lagos are changing very rapidly, and our system of education must be adjusted to the changes, for to live is to change. At the same time we ought not to forget that not every change is an improvement. We are apt to forget this fact when we speak of what we describe as the progress of the community. General progress consists of movements along certain definite lines of human endeavour, and true progress is the resultant of the composition of the forces of the different simultaneous movements, regard being had to the fact that the force of the movement along any particular line may have the effect of enhancing or impairing the force of any of the other movements unless safeguards are provided for the purpose of controlling any excess or replacing any impairment. We are justly proud of the

remarkable advancement made by Lagos in trade, education, sanitation, public health and other social amenities including facilities for rapid movement and swift communication. Lagos is no longer an island. The Carter Bridge and the Denton Causeway have linked it to the mainland. The railway, the motor lorry and the motor car are daily and hourly bringing large numbers of people from the provinces to mingle with the people of Lagos, and among these are rough young men and wild boys who have broken away from the social control of their primitive communities. They have no power of self-control and no capacity for self-restraint and are disturbing and dangerous elements in the atmosphere of freedom into which they have been suddenly plunged. The older inhabitants of Lagos cannot help feeling that the town is now quite a different place from what they knew it to be in the days of their youth and early manhood. They cannot help observing the general deterioration of morals and manners which is tending to impair the standard of living of even the directing class of the community. The Honourable Member for the Egba Division has drawn attention to the unnecessary noise, the constant shouting and whistling at high pressure, the boisterous quarrelling and the hooliganism which occur both in the day time and in the night in his neighbourhood and in the neighbourhood of the Central Police Station. Those who live in the neighbourhood would confirm his statement. Before a parking centre for motor cars was fixed in the area, and before it became practically the dwelling place and wrestling ground of the rough motor drivers and their wild attendants, the nerve-racking nuisances to which the Honourable Member refers were unknown in the neighbourhood. Those who have always lived there have therefore a prescriptive right to peace and quietness. People living at other centres in the town have a similar painful experience of conditions having changed for the worse. Why then have not administrative measures been taken to remove or abate these nuisances and discomforts which are by-products of our commercial development? These nuisances are committed to the knowledge of police constables and not seldom in their presence. They seem insensitive to offences of this nature, and to consider that offenders are only those who steal a stray goat or sheep or fowl, or else a motorist who commits a breach of the rule of the road. I remember that a meeting was held at Government House about twelve years ago when attention was called to the lack of vigilance on the part of the Police in dealing with the offences of which I now speak, and the then Head of the Police Department remarked that police constables were recruited by men of the class of people who committed these offences and knew no better than the offenders. This explanation clearly points to the necessity for measures to be taken to attract a better or a more intelligent class of men to the Police force. Perhaps the present arrangement for the posting of

police constables needs also to be revised. The men from the Eastern Provinces are brought up for duty in Lagos, and Yoruba men are sent to the provinces. There were no doubt good reasons for such a system when it was first conceived; but since that time many changes have taken place in this rapidly changing Lagos. Apart from police constables a large number of people from the provinces now sojourn or domicile in Lagos. Their language, custom and tradition are different from those of the people of Lagos, and being strangers in the land they become more and more conscious of their tribal ties and loyalties. These circumstances do not make for disinterestedness or efficiency in the discharge of his duties by a police constable. It would appear that, in the interest of efficiency, there should be a revision of the present system. Another important change which has affected the efficient policing of the town of Lagos should also be mentioned. The European population is now settled in residential areas remote from those of natives, and the Europeans are not fully aware of the conditions of night life in different parts of the town where formally Europeans and natives lived side by side. In those days the action or sense of the presence of Europeans in the town was of great assistance to police constables in dealing with the offences to which I refer, for natives would avoid making unnecessary noise when they were in the neighbourhood of the residence of a European.

I remember that when Government recognition was accorded to the present Head of the House of Docemo as OBA, the Honourable the Member for the Egba Division tabled a question in which he asked what was the status of the OBA of the House of Docemo. The answer to the question was rather uncertain. The Honourable Member now asks a similar question at the present session of the Council, but the reply is not yet ready. I cannot of course anticipate what would be the nature of the reply, but whatever it might be, I do not think that it will remove the impression in the mind of the people of Lagos that the attitude of the Government towards the subject has been unintelligible. The Government recognise the Head of the House of Docemo as OBA, but according to native ideas the OBA is the ruler of his people, he administers justice and punishes offences against law, custom and morality. But since the cession of Lagos the OBA has been divested of these powers, and only recently a Judge of the Supreme Court declared from the Bench that all the powers of rule and administration which the OBA of Lagos once possessed are now being exercised by the Executive Council, the Legislative Council and the Lagos Town Council. Then, again, under the Treaty of Cession a change of the sovereignty of Lagos was effected. The title of OBA as now understood in Lagos is therefore a foreign language to the Yoruba people. What then is the status, what is the true position of the

OBA of the House of Docemo? Whatever might be the official answer to this question, the fact remains that the OBA and the Chiefs are no longer the directing class of the Lagos community, and their position is not that of leaders, for they are now the followers of the educated class whom they have come to regard as their guides, philosophers and friends. They have lagged behind in the march of progress. The quarter of the town in which they live and move and exercise their influence and which is named ISALE EKO is now known to be the home of obscurantism, "the home of lost causes, forsaken beliefs and impossible loyalties." During the last forty years successive Governors have laudably endeavoured to improve or retrieve the position of the OBA and the Chiefs. For that purpose Sir William MacGregor established the Central Native Council at the meetings of which he discussed with them the affairs of the town and explained to them proposed legislative measures relating to native affairs. There was then no Town Council, but he included in the composition of the Native Council a number of men of the educated class in order to secure an interaction of ideas. He also made it abundantly plain that the OBA and the Chiefs had no ruling function and that the allowance given to the OBA was particularly for the education of the children of the family "who cannot be permanently provided for by Government but must by education prepare themselves for a struggle in the world in the ordinary way." On the arrival in the Colony of Sir Frederick (now Lord) Lugard to administer the Government, a deputation waited on him and asked for an increased allowance to be given to the Head of the House of Docemo "which should go to his heirs and successors perpetually." The Governor was unable to consider the request and he reminded the petitioners that "it is the custom now in the British Colonies for salaries and stipends to be granted to the people who take part in the public work of the Colony who devote themselves to its necessities." He also said that he had been at pains to find what political work the Lagos Chiefs were fitted to perform at the existing stage of the development of the country, but he had not succeeded in doing so. In later years similar requests for a "perpetual" increased allowance to the OBA of the House of Docemo or for stipends to be "perpetually" paid to all of the Lagos Chiefs have been made by representatives of a section of the people of Lagos, but the Government have not been able to give favourable consideration to these requests. A subtle suggestion was also made in the local Press that a native court should be established in Lagos over which the OBA and the Chiefs should preside; but this suggestion was vigorously opposed by another section of the Press on the grounds that it was impracticable and reactionary. In the course of the controversy it was affirmed that the real object of those who put forth the suggestion was to secure a source of income for the Chiefs

and not to advance the interests of the community. It was quite clear that those who made the suggestion were of the opinion that a portion of the revenue of the Colony should, "as a matter of equity", be perpetually paid to the OBA and the Chiefs and their heirs and successors because they are the successors and descendants of the OBA and the Chiefs who signed the treaty of cession in 1861. The advocates of the project were doubtless aware that the offices which they sought to be created would be sinecures and also dangerous to the community; but they seemed to count it a distinction that the Chiefs should be able to take their ease, eat, drink and be merry. They wanted the Chiefs to be on the dole. They did not think of the harm that would be done to the Chiefs themselves by their loss of self-respect nor of the additional burden which the tax-payer would be called upon to bear.

The situation in regard to the status and position of the Lagos Chiefs needs to be made clear. This cannot be effected by merely providing stipends or allowances for them, but by assisting them to qualify themselves for work befitting the position of those whose fathers were in past time the rulers and leaders of their community. Sir William MacGregor pointed the way when he said "their children must by education prepare themselves for a struggle in the world in the ordinary way." The rapid development of Lagos is in a large measure due to the advancement and enlightenment of that section of the native population comprising a considerable body of immigrant repatriates from Sierra Leone, America and the West Indies together with their descendants. The enlightenment and advancement of this section of the community has hitherto had a depressant effect on the indigenous inhabitants who for many years were practically isolated and content to live along the lines of native custom and tradition. It seems desirable that special efforts should be made to arouse them from their state of apathy, and this cannot be done by merely granting them stipends or allowances. Their children should be properly educated and the adult members of their families should also be given a practical education to fit them to get a decent livelihood, to stimulate their sense of self-respect and enhance their influence as leaders of the indigenous section of the community. I humbly conceive, Sir, that the question of improving the position of the Lagos Chiefs at the present time should be referred to the careful consideration of the Commissioner of the Colony and the Honourable Director of Education.

Another problem arising from the confused situation created by our contact with Western civilisation is seen in the working of the Marriage Ordinance. Provision is made in the Ordinance, without any qualification or exception whatever, that monogamous marriage, which it is designed to regulate, may be celebrated in any licensed

place of worship by any recognised minister of the Christian Church, denomination or body to which such place of worship belongs and according to the rites or usages of marriage observed in such Church, denomination or body. It appears, therefore, that the Ordinance, if not expressly, does certainly commit itself by the operation of words to the position that a Christian can have but one wife and is under a disability to enter into a contract of native or polygamous marriage. This implication of the Ordinance was, however, denied in a judgment delivered by His Honour the Chief Justice of Southern Nigeria in the year 1911. His Honour stated in his judgment that he "can find no authority for the proposition that a native by embracing Christianity or any other religion acquires a legal status which disables him from entering into a contract of native (that is, polygamous) marriage." It appears, therefore, that His Honour's dictum is not only contrary to the implication of the Ordinance but to the common order of the Christian Church and to the common law of England which is applicable to the native subjects of His Majesty the King throughout the whole Empire. It also appears that the dictum, if it is the law, has the effect of differentiating between the legal status of His Majesty's Christian Native subjects in the other Colonies and Dependencies of the Empire. In the circumstances it seems necessary that the Marriage Ordinance should be revised so as to express its implication that a Christian can have but one wife, and that Native converts to Christianity and Natives born of Christian parents who have been baptised and profess Christianity are under the general rules governing Christian Marriage. I would also suggest that the machinery for giving effect to such an amendment of the Ordinance should include a provision for the registration of Native marriage. The existing law provides that marriage under the Ordinance, which is Christian marriage, shall be registered. If a similar provision is made for the registration of Native marriage, then in any particular case there will be no doubt as to whether the alliance is intended to be a Christian marriage or a Native marriage. In this way facilities will also be provided for the resolution of many difficulties in connection with the rights of succession to property.

I find that in India the difficulties with which we are confronted as to whether Christian marriage confers a status have been resolved in that country by legislation. A Hindu was converted to Christianity and, as a Christian, married a Christian woman who was also a native of India. He then reverted to Hinduism and was re-admitted to caste on certain conditions. He then proceeded to marry one or more Hindu wives and was indicted under the Indian Penal Code (from which it appears that section 12 (d) of our Marriage Ordinance was taken) for the offence which

corresponds with English bigamy. The High Court of Madras however decided that having relapsed into Hinduism he re-acquired his rights of polygamy. In effect, the High Court of Madras decided that the Native Christian, the Hindu convert to Christianity, loses his rights of polygamy when he exchanges Hinduism for Christianity. The religious and social problems which are the consequences of this decision have been solved by legislation. The Indian Act XXI of 1866 provides that "in case of conversion to Christianity the unconverted spouse may withdraw from cohabitation, and then the convert may obtain a dissolution of the marriage". Then, again, by the Indian (Divorce) Act IV of 1869 it is enacted that "the wife is entitled to a divorce when the husband has since his marriage exchanged his profession of Christianity for that of another religion and gone through a form of marriage with another woman."

Twenty-five years ago the leaders of the Anglican and Wesleyan Methodist Churches in Nigeria drew the attention of the Government to the necessity for the revision of the Marriage Ordinance in the direction which I now indicate. While sympathising with the views of the memorialists, the Government pointed out that "to lay down the law that no Christian native may have more than one wife would have one very undesirable consequence, that, on being converted to Christianity, any native could, on that ground alone, put away all but one of his former wives, and would indeed be obliged to do so, even if unwilling." The Government also considered that "it is a matter for the Churches rather than the Government to bring pressure to bear on their converts to renounce polygamy. This can effectively be secured by the Churches if they induce their converts to marry under the Ordinance." I may here mention the fact that the "very undesirable consequence" referred to in the Government's reply to the memorialists has been averted. Polygamists are never granted the privilege of full membership of the Christian Church, but they may be under instruction as catechumens until the way is open for them to become full members.

The principle regulating the marriage of native Christians in India is the principle regulating the marriage of Christians throughout the world. This principle is that Christians are *necessarily* monogamous. This is also the principle governing the marriage of Native Christians in Uganda and other Dependencies of the Crown. The difficulties arising from the working of our Marriage Ordinance can be solved by the application of this principle. To Africans living in a British Dependency and under the influence of Christianity the law is not only the expression of the will of the Sovereign, it is also designed as an educational agency, a social factor, the aider and sustainer of all upward

striving men and women in their process of adjustment to the complex conditions which have been created. It is accepted that no native of the country should be compelled to be a Christian; no native should even be tempted to be a Christian; but, if a native chose to become a Christian, he should be sustained by the assistance of the law in the walking in the Christian way of life in the manner in which other British subjects are supported in their endeavours after the Christian life. He should be upheld in the manner in which other British subjects are upheld from lapsing from the standard of Christian living. No English subject of His Majesty the King has the capacity to contract a polygamous marriage. If he should go through such a form of marriage, he is in the eye of the law living in concubinage with each of the women concerned. Some people have for this reason fallen into the error of making the distinction between "Christian Marriage" on the one hand and on the other hand, "English Marriage" or "European Marriage" or "Marriage under the Ordinance". Such persons believe that they can be Christians without adopting what they term "English Marriage". It is necessary to remind them that Christianity is an integral formative element in the English as well as European system, and that the disability of an Englishman to contract a polygamous marriage has its origin in the rule of Canon Law that a Christian can have but one wife. Whatever it is called—"Christian Marriage" or "English Marriage" or "European Marriage" or "Marriage under the Ordinance"—

"What's in a name? that which we call a rose
By any other name would smell as sweet".

I submit, Sir, for Your Excellency's consideration, the different problems to which I have referred as arising from our present confused situation.

The Banking Member (The Hon. D. D. Gibb):

Your Excellency, at this time I should like to associate myself whole-heartedly with the remarks passed by the Honourable the Commercial Member for Lagos. At the moment we are faced with great difficulties and they appear, so far as I can see, likely to continue for some little time. Our one hope is to trim our ship and navigate the troubled waters in such a manner that it will come out in due course with our finances not unduly impaired although they may be sadly depleted. So far as expenditure is concerned, I feel that every item will have to bear the very closest scrutiny and I am sure our friend, the Honourable the Financial Secretary, will be a very excellent scrutineer and keep a firm hold of things. I am inclined to think that the estimate of revenue from Customs sources is somewhat optimistic but I hope it may be realised should there be a slight improvement in trade. The

primary products on which we depend are at a very low level and there is not much likelihood of improvement according to reports received from the market at home. Happily for this Government, during the past two or three years, a prudent policy has been followed and the reserves of the country have been built up.

The Honourable Member for Shipping remarked on pensions and personal emoluments in relation to the total revenue of the country. I think it has been in the minds of some, if not all of us, that the large sum involved under these two Heads seems to be out of all proportion. I am inclined to think, Sir, that the whole position of Government staff generally should be investigated in order to see if any reasonable economy can be effected without incurring any undue hardship. I feel convinced that it is possible to train and bring on Africans to fill posts at present being filled by Europeans and that is the one means of salvation in cutting down our personal emoluments and bringing them within reasonable proportions.

I do not propose to thrash out various items of expenditure—that will be dealt with later in Committee—but the Honourable the Financial Secretary made reference to the improvement in Savings Bank deposits. That statement was more or less refuted by my friend, the Honourable the First Lagos Member.

His Excellency:

I think the Honourable Member is attributing to the Honourable the Financial Secretary a remark made by me.

The Banking Member (The Hon. D. D. Gibb):

I can say without fear of contradiction that the Honourable the First Lagos Member's statement is by no means correct. I feel there is a greater tendency to thrift on the part of the African to-day than there was, say, a matter of ten to fifteen years ago. I take this opportunity, Your Excellency, of congratulating you on the very complete address which you put before this Council. I should like to extend my sympathy to my Honourable friend the Financial Secretary in regard to the very difficult time he has passed through and, particularly, the much more difficult times which lie ahead of him.

The Hon. the Chief Secretary to the Government:

Sir, I am of course a newcomer to Nigeria and I think Honourable Members will understand that it is with a certain amount of diffidence that I rise to speak on certain matters, unarmed, so to speak, with that invaluable local knowledge and experience which so many of you possess; and which is all important in considering

Budget proposals; but there are one or two points on which I have some information and some views and I would like briefly to touch upon them. I do not propose to enlarge upon the financial situation. That has already been done by my Honourable friend the Financial Secretary in introducing this Bill which is now before us and it has also been fully explained in the memorandum which accompanied the Draft Estimates. I think we all realise the seriousness of the position but it can perhaps be most easily gauged by the fact that this year, in order to make both ends meet, we have had to draw on our surplus balances to the extent of some £950,000 and the position for the coming year is no brighter than it is for the present year. The difficult position we are in therefore in framing our budget is only too clear.

It is always distasteful, I think, to impose taxation and it is particularly distasteful to do so at a time of depression like the present and I want to assure Honourable Members that when the Government realised the position which it was in and which the country was in its first pre-occupation was not to say what taxes should be put on—it was to endeavour, if it could, to avoid the extra taxation. But we have, as Honourable Members know, been forced to the conclusion that fresh taxation is unavoidable. This decision has not been taken lightly and the Government has not been as complacent as has been suggested in some quarters, in introducing these taxation measures.

There have been criticisms on one or two items in the proposed increases in Customs Tariff and there have been criticisms of the proposal to increase the income tax from one per cent to one and a half per cent but I think Honourable Unofficial Members have accepted the position that there must be some new taxation. We may in Committee later on be able to adjust certain items in the Customs Tariff. For instance, in the light of criticisms made by Honourable Members, the Honourable Member for the Colony Division among others brought up, the question of taxing stationery for use in schools. Well, I am not going to say at this stage that we can forego the revenue to be derived from that source but I am sure that the Government will be willing to consider a point like that to see if some alternative could possibly be found and I know the Honourable the Financial Secretary is willing and anxious, as I am, to make adjustments of that kind wherever practicable.

Well, Sir, as I have said I do not propose to go into detail on the financial position which has already been fully explained and I should like now to touch upon the question of retrenchment. Now, some Honourable Members have suggested that all has not been done which might have been done to effect retrenchment but

the fact remains—it was, I think, stated in your speech to the Council, Sir—that there has been actual retrenchment to the tune of some £650,000. Well, that is no mean figure and it has not been achieved without causing considerable inconvenience and in some cases embarrassment to the departments whom it most affects. We have of course decided as part of the Government policy that there should not be any serious curtailment of existing services. Now I am sure from what Honourable Members have said that they agree with that policy and they do realise the seriousness of any curtailment of the more important services. There has been a suggestion to which I will refer later that we might economise more as regards staff but a lot has been done in that direction and I doubt whether much more can be done without jeopardising essential services. Apart from staff Honourable Members have made no representation for retrenchment because they realise I think that we have cut everything to the bone so to speak and cannot go any further.

Now, Sir, the Honourable Member for the Egba Division who opened the debate on the second reading referred rather early in his remarks to a suggestion that the division or the reorganisation of the Southern Provinces should be postponed. He did not question the desirability of it. He suggested that it would not impair efficiency by postponing it and he thought that considerable economy could be effected if it were postponed, but I am afraid he is too late with his suggestion because practically all the additional expenditure which was involved in this reorganisation had already been spent. As has been remarked, the buildings—the new Secretariat and the housing accommodation which was necessary—have already been constructed and the money spent. Personally, I should have been very sorry if any postponement had been possible because I believe from what I have heard and what I have read that this sub-division of the Southern Provinces is essential in the interest of good administration and, I think, the interests of the people themselves. The whole matter was, I gather, discussed with the Estimates a year ago and as to the need for it Honourable Members will find the reasons fully set out in a Sessional Paper of 1937 which says that this reorganisation which we have now effected was proposed as far back as 1919 or 1920 in the time of Sir Hugh Clifford.

Now, Sir, I come to the next point on which Members have suggested that retrenchment of staff can be carried out, namely, the provision in the Estimates for thirty-two cadets who are due to arrive in Nigeria in August next. As members are aware, this is not any increase in staff, or rather in establishment, it is merely to repair wastage. The number of vacancies in the existing establishment at the moment is twenty-eight and there can be no question

that by next August it will be very much greater than the number of persons whom we are recruiting but I would draw attention to a further fact and it is that our administrative staff is very much below the figure that it was eight or nine years ago. The total strength of the administrative staff in 1931 was 487 and to-day it is less by fifty-five than it was then. There can be no question, moreover that since 1931 administrative work has increased enormously and throw an additional burden on that staff and from all that I have heard that reduction of fifty-five which was made some seven years ago has been a very serious handicap to the administration of both the Northern and Southern Provinces. It was mentioned to me the other day that there was in one province a Resident—a Resident in an important province with over 1,000,000 people—who has not got a single administrative officer in Headquarters to help him. Now I think Honourable Members will agree that that Resident will find it extremely difficult to carry out his proper duties under such a handicap. He could get assistance possibly by calling in a District Officer but the result would be that that particular district would suffer. There are many other considerations, Sir, which I think we must also ponder over before we accept any reduction in our administrative staff. One Honourable Member mentioned in the course of his remarks that a District Officer had not been to a particular place for over a year. I think it was the Honourable Member for the Calabar Division. There was oil prospecting going on and the people did not understand what it was all about. They thought they were going to be exploited and so became frightened. This is a typical instance and shows the importance of having an adequate staff of Administrative Officers constantly in touch with the people. Apart from this there are increasing demands on the service. Your Excellency referred to the establishment of a Labour Department and that calls for the immediate appointment of one if not two Administrative Officers. There is further need, and I think Honourable Members will agree on this point, for an expansion of the Co-operative Department. Recently we provided one additional officer for that Department and as it develops—and I hope it will develop—we shall certainly require many more Administrative Officers for this important Department than we have at present.

There have been one or two references to the Police and the Prisons Departments and to matters connected with those Departments. I think one Honourable Member referred to the unsatisfactory condition of police lock-ups and the manner in which people on remand were treated and again to the conditions in the prisons in Lagos of which I am well aware myself having seen them. All these matters will be considered and remedied as soon as we can provide the necessary funds.

The Honourable the Shipping Member referred to the Forcados Bar and suggested that the Government should get further expert opinion on the matter. Well, the position is that the Government has had expert opinion and it does not feel it would be justified in going to the expense of seeking further opinion of that kind, but if it is the view of the shipping community that further opinion is required, I am sure Government would have no objection to its being sought by that community but at its own expense. I am hopeful, with the Honourable Member, that the alternative, he mentioned namely the Escravos River, will prove to be a solution of this difficult problem. I may tell him that the reports at present are encouraging and he may be assured that we shall explore every possibility very fully before embarking on any project for restoring Forcados Bar.

Now, Sir, reference has been made by one or two Members to the recommendations of the Cocoa Commission and I regret that the Government is not in a position at the moment to announce its decisions in regard to those recommendations. There has been some delay, it is true, but I think Honourable Members will agree that it is the duty of Government before accepting those recommendations to get public opinion on them and to endeavour to ascertain the views of all interested parties, and when I say "all interested parties" I include the farmer himself whose interests in the matter—I think, Honourable Members will agree—are paramount. Now the Government has within the last four weeks been taking active steps to ascertain the opinions of these interested parties. If Honourable Members are themselves specially interested—and I know some of them are—and should they have any particular views on the recommendations in the report, I hope that they will not be slow in acquainting the Government with those views. I think I can assure Honourable Members that there will be no unreasonable delay in coming to a decision on these very important recommendations.

There are very many other points which have been referred to in the course of debate which I think could better be answered by those who have a special knowledge of them which I at present do not possess, and I propose to leave to other Official Members with that knowledge the replies to those points. A good many of the matters which have been raised must obviously be deferred until such time as we have the necessary funds. The really serious aspect of the present financial position is that we are in a position where we find it extremely difficult to keep going our existing services. It is the Government's definite policy not to curtail those services but that, Honourable Members will agree, is not entirely satisfactory. As has been remarked there is room for enormous expansion of medical, educational and agricultural services and there is no doubt

that when funds permit we must endeavour to devote much more to those services than has been possible in the past. It is not that there is reluctance on the part of Government to provide these services so urgently needed, it is purely a question of the cash.

In concluding, Sir, might I say how much I appreciate the welcome which has been extended to me by Members in their remarks and to ensure them I am looking forward very much indeed to co-operating with them on the important problems which come before this House.

The Hon. the Director of Education:

Your Excellency, before endeavouring to reply to the many questions referring to the Education Department which have come from Honourable Members on the other side of the Council I would like to tell you, Sir, how much I enjoyed listening to this long debate and how much I have been struck by the moderation and reasonableness of much of its criticism and also of the constructive nature of that criticism.

In my experience of debates on Colonial budgets, it always seems to me that the Director of Education is put up on the wall as a sort of official darts board on which members of the opposite side of the House can test their skill. Some score doubles, some trebles and in a few cases the darts strike the wall and fall to the ground. I can only congratulate the members of this Council on the accuracy of their marksmanship.

I shall now deal, Sir, with some of the points raised by Honourable Members. The first one was the point raised by the Honourable the Commercial Member for Lagos. He drew the attention of the Council to the great premium at the moment which was placed upon the clerical service. I quite agree, Sir, with the opinion which the Honourable Member has expressed and it creates very great difficulties in the schools. I am afraid that a great many parents and guardians consider the Middle Schools not as institutions for education but rather as cramming establishments to get a boy into a clerical appointment and, as has been pointed out by several members on the other side of the House, that is a very unfortunate state of affairs.

The Honourable Member for the Rivers Division raised the point about the salaries of teachers and agricultural assistants. He stated that while an agricultural assistant did a four-year course and got an initial salary of £88 per annum, the teacher only did three years and got the same salary. He is not quite correct because the teacher does three and a half years, and before he draws £88 per annum he will have had three and a half years' training and six

months' probationership. The Honourable Member then went on to discuss the frequent changes of the educational policy. I can assure him that the Director of Education is not in the position of a Hitler or a Mussolini. He is the Director, and not the Dictator, of Education, and as Director he of course must listen to the advice of the Advisory Board and fall in with the wishes of Your Excellency. Finally his proposals must receive the approval of this Council.

A few years ago science was introduced into the schools or rather at the time we called it a "biological background." That came about, as most of you are aware, through the visit of Professor Julian Huxley to Africa. He made a complete examination of the curriculum of many African schools and made a recommendation to the Advisory Committee of the Colonial Office. Now that Advisory Committee plays a very large part in directing our educational policy but there has been no change in regard to the biological background. However recently the Committee in 1935 (I think it arrived here in 1936) issued a very long and useful memorandum on the education of communities. That has been circulated very widely and there has been by successive Directors of Education an attempt to try and follow out the principles stated in the memorandum.

The Honourable the First Lagos Member stressed the importance of mass education with which I am in entire agreement and he evolved a formula—more education, easier administration—and that I hope is a formula with which you will all agree. Then, Sir, the same Honourable Member brought up the question of the Middle IV examination. He is not quite accurate in his facts because there is no actual examination at Middle IV. It is only conducted internally in the schools and in the private schools the papers of the pupils are submitted to the local Superintendent, who goes through them and issues the certificate according to the value of the papers submitted. Possibly, in the near future, that examination may be replaced by the new Overseas Junior Cambridge Examination in which case many anomalies which may exist to-day will disappear. He then, Sir, raised the question of scholarships at King's College. It was necessary to await the result of the examination but this year five scholarships have been awarded—four pupils are already enrolled and the remaining pupil is on his way from Ijebu Ode. If those scholars can prove to the satisfaction of the authorities that their parents or guardians are indigent they not only get their school fees paid but they also get their games subscriptions, their books and their clothing.

The Honourable the Second Lagos Member brought up the question of an increase in grants-in-aid for mission schools with which Your Excellency has already dealt in your opening address.

missionary societies to whom we owe so much but also to those very deserving teachers in the assisted schools who are doing such very good service for the community. My experience of the African is, Sir, that he is a willing and cheerful worker and even if he feels that he may have a grievance, so long as he knows that that grievance is being enquired into and that he will get an impartial judgment on it, he will go on doing his best; and it is on that great gift of the African which is really the basis of his character that we hope to build and develop so much in this country.

The Hon. the General Manager of the Railway:

Your Excellency, with regard to the remarks made by my Honourable friend the Director of Education I am sure I do not feel very much like the dart board to which he likened himself, because nobody has taken the trouble to fire off darts at me. I made a similar comment last Budget Session and then said I was not sure whether it was sheer intentional disregard of the Railway Estimates or that Honourable Members could find nothing therein of a contentious nature. No one seemed to worry about the Railway. It is more or less the same again this year; with one or two exceptions.

I would like to refer to the remarks of the Honourable the First Lagos Member. He suggested, Sir, that in so far as apprentices are concerned there seemed to be some reluctance in coming to the Railway workshops to take up a career because of the lack of prospects. I do not think that actually is the case, Sir. In the first place we have no lack of applicants for apprenticeship. The position at the moment is that in the workshops registers we have the names of over two hundred lads awaiting an opportunity to enter the various trades. Similarly in the Locomotive Branch we have an equal number on the waiting list, so I do not think we can be accused of imposing conditions which are too hard nor can it be said that there is anything lacking in the prospects we offer, otherwise we would not have that number on the waiting lists. The Honourable Member appeared to think that we could not get apprentices and suggested that it was because the Railway had not kept faith with certain of the men now out of their term of apprenticeship. The Honourable Member appears to have been misinformed on this point and I think he is confusing the issue of general apprentices with that of certain apprentices who were known years ago as "scholarship" apprentices. In 1924 the Railway took on sixteen apprentices who were called "scholarship" apprentices. They were taken on under very special terms as they received not only a daily wage which was a bit above the ordinary apprenticeship wage but they also received a grant of money per annum for special assistance, presumably for the purchase of books;

etc. These men have all passed out of their apprenticeship time and it is quite correct for the Honourable Member to say that they were given a written promise that they would be given certain rank and pay when they had finished their apprenticeship.

The written promise, so far as I can see, Sir, was not in the form of a letter but was contained in a Government Gazette notice laying down the terms of apprenticeship which they accepted before they started work. Those terms have been faithfully observed in every way. All of the men who passed through that apprenticeship have received what they were promised. Two or three have received a good deal more than they were promised. They have passed beyond the maximum of the grade to which they were told they could go. The Honourable Member has suggested that it was intended that these or any other suitable apprentices should eventually replace European "B" Grade Foremen. There was no intention when they were taken on of their replacing "B" Grade Foremen. The intention was that if they had the ability and the other necessary qualifications they might one day replace perhaps the Chief Mechanical Engineer or even the General Manager! I should like to mention that three of these men have proved themselves more studious than the others. One has become a graduate of the Institute of Mechanical Engineers and two of them have become graduates of the Locomotive Engineers' Society. That is a very great credit to them. They are being closely watched and are being specially trained in the hope that presently they will be able to aspire to something really good. The Railway Chief Mechanical Engineer places great hope in these men and I can only express regret that the others have not seen fit to continue private studies by which they also could profit.

There is one point to which I would like to draw attention regarding our apprentices and (I think) the apprentices employed in other Government workshops. It seems to me that the idea of the average African youth is that when he has passed his Standard VI examination to qualify for apprenticeship, the time of book learning is over. He will not learn to use his brain and does not apply even a small degree of initiative in handling the various materials with which he is called upon to deal but nevertheless thinks that promotion must come merely by the effluxion of time and that he should automatically get recognition whether or not he has earned it. Well, Sir, I can only refer such youths to the conditions prevailing in other countries where a youth may be compelled to leave school at a fairly early age but unless he is prepared to do a lot of private studies at night and spend a part of his wage, however small it may be, in the acquisition of the necessary books he is not likely to get very far or get to the point where, in due course,

he is going to replace the man at the top. I do not think their seemingly unambitious attitude is due entirely to lack of imagination or initiative—I think it is probably that we have not sufficiently stressed the necessity for additional studies.

I should like to mention another point which has been commented upon by the Director of Education (in replying to a question) wherein he stated that he is referring the matter of technical education to myself and the Heads of other departments who deal with technical schools. In the Railway we provide a certain amount of technical education which we give to the men free but I suggest that we could overcome this apparent lack of initiative or imagination on the part of the youths by imposing upon them, during their apprenticeship, an obligation either to attend night schools or a "sandwich" course and if they do not attend they should be subject to fines in the same way as youngsters are fined for non-attendance in technical schools at Home. But they must be rewarded as well and I suggest the reward should be assistance to suitable youths to go overseas for additional training which is not obtainable in Nigeria. I think that any departments concerned could make arrangements for such youths to go to one of the many Engineering firms overseas to serve what we call "improvership" training so that they could, in time, come back to Nigeria with some claim to qualification for jobs as foremen or even better than that.

I do not want to hold the House too long on this question of apprenticeship but I feel I must defend not only the Railway policy but the apprentices themselves because I think both have been wrongly blamed.

The Honourable the Member for Shipping has referred, Sir, to the question of the Railway's optimistic estimate of the groundnut crop for the current year. I should like to remind the Honourable Member and other Members, that when we estimated the crop at 250,000 tons, the groundnuts had not yet been planted!! We had to prepare our estimate almost eighteen months in advance. But even after the season had started we were still told that the crop would reach 250,000 tons. The Honourable the Member for Shipping has complained that the Railway did not reduce the freight on groundnuts from Kano to the Coast until the 10th of February and that we thereby probably lost the freight on 120,000 tons out of the total estimated crop of 250,000 tons. I can find no proof that we ever had that amount of groundnuts up-country nor can I find anybody likely to help me to ascertain what crop *was* really produced. To date, we have railed approximately 130,000 tons and we are making enquiries to find out what has happened to the balance if it was ever there. It has been stated

that a large proportion of the crop was consumed by the growers, but if the people who produce the nuts prefer to eat rather than sell them at a low price surely it is their own business. I should also like to remind the Honourable Member, Sir, that the shipping companies were not too rapid in coming forward with their freight reduction and that such reduction took place only a few days before mine.

I do not think I have anything else to answer, Sir. One complaint which has been made against most departments of the Government is our slowness in replacing Europeans with Africans. I would like to say in reference to the Railway that even if I wanted to dodge the duty of such replacement I feel sure Your Excellency's eagle eye would find me out. Honourable Members should know that all departments are very closely watched on this point and that we cannot (even if we so desire) get away with the appointment of an European unless we can put up a good case to show why we cannot appoint an African. So far as the Railway is concerned we have made it our policy wherever possible to appoint an African to a vacant post previously held by an European. My predecessor, Mr. Bulkeley, was very keen on this policy and I would like to say I am also keen on it, but we must wait until the right opportunity comes along. I must here remark, Sir, that I think it would be an extremely courageous man in any position of trust in this country who would drive off the European tutors of those men who are receiving training before such men are sufficiently advanced to become tutors and displace the Europeans. Many Members of this House have agreed with me on this point, namely, that we must not be too rapid in our movement towards replacing European supervisory and training staff with Africans. I can assure Members that, although we have not in the last year or two been able to do a great deal in this direction, we have done something and I hope Honourable Members on the opposite side of the House will appreciate that we are doing our best.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency, there is one explanation I would make. When I referred to apprenticeship I was referring to the apprentices engaged after 1931 and I think I can give you a reference in a letter written by the Chief Mechanical Engineer somewhere about 1935. I was not referring to 1924 but to 1935.

The Hon. the General Manager of the Railway:

I suggest that the Honourable Member should come to my office and discuss the matter. I am sure we could put it right.

The First Lagos Member (The Hon. H. S. A. Thomas):

I shall be most willing.

The Hon. the Director of Medical Services:

Your Excellency, there were one or two remarks made by the Honourable Members with regard to health and medical matters on which I would like to say a few words.

The Honourable the Member for the Egba Division and the Honourable the Second Lagos Member referred to the insanitary conditions in Lagos and particularly to the objectionable methods for the removal of night soil. Well, Sir, that is a matter which is regulated by certain of the bye-laws of the Town Council. They state the hours at which this work should be done and so on but the Medical Officer of Health has already expressed the opinion that it is time that these bye-laws were revised and I know that the matter is at the present time receiving very serious consideration, and I can assure the House that any help which the Medical Department can give on this question will be given. The real remedy of course lies in the provision of a proper system of sewage for Lagos and it seems to me it is high time that the town rates were increased to provide money for urgent schemes of that sort.

Then the Honourable the Member for the Rivers Division and the Honourable and Reverend Member for Calabar drew attention to the lack of prospects for vaccinators. The difficulty, Sir, is that vaccinators are recruited from men who have not reached the standard of general education which is required by Sessional Paper No. 19 of 1935 for Sanitary Inspectors. I think that Honourable Members know that Government is most anxious to raise the standard of the African staff in the technical and clerical services and is very unwilling to make any exception to the conditions laid down in this Sessional Paper because it is felt if exceptions are made they would tend to become the rule and gradually lead to a reversion to the poorer standards formerly existing. Thus I am afraid there is little prospect for the average vaccinator to get promotion beyond his present grade.

The Honourable the Member for the Rivers Division also drew attention to the unsatisfactory quarters for Nurses at Enugu. I am afraid that in a great many of our hospitals the Nurses' quarters are very unsatisfactory, and at Enugu there is one row of one-roomed quarters where the kitchen and sanitary arrangements are definitely insufficient. I can assure the Honourable Member that I shall make every effort to get these defects remedied as soon as possible.

The Honourable the First Lagos Member spoke about the reduction in the Sanitary Vote and said he had heard rumours that this reduction was to be made at the expense of the anti-plague measures. That is quite true. Part of the reduction will be brought about by discontinuing anti-plague work. There are definite reasons for that. As the Honourable Member said, these anti-plague measures have done a great deal to clean up each year the poorer quarters in Lagos but I am afraid that the present measures would not be effective in preventing plague from entering Nigeria. Very much more radical and more extensive measures would have to be employed for that purpose, but fortunately at the present time there is no prospect of plague breaking out in West Africa and it is not the obligation of Government to clean up the poorer quarters in Lagos, so that I think there is justification for the discontinuance of these measures. It is undoubtedly very regrettable that they will affect 160 daily paid labourers in Lagos. The Medical Officer of Health has already arranged to absorb twenty of these labourers into other work and any that he cannot absorb have already been given notice and will be entitled to the gratuities to which employees of that type who have rendered five or more years of faithful service are eligible.

The Honourable Member also brought up the question of replacing some of the European sanitary superintendents by African sanitary superintendents. Well, Sir, that is a matter which comes up for periodical review in the Department and I can only agree with the Honourable the General Manager of the Railway that when the right material is available that will be done. I would like to say this—that at the present time we are getting a better quality of recruit and they are undergoing a higher training in their work so that there is, I consider, a definite prospect that in the future we shall be able to appoint senior sanitary inspectors to do the work of some of the sanitary superintendents, but I am unable to give an assurance that this will happen in the near future.

Reference was made by one of the Honourable Members to the recent Conference of Senior Members of the West African Medical Staff. The proceedings of that Conference are now in the hands of the Government Printer and any Honourable Member who is interested will be very welcome to a copy of the proceedings. The Honourable Member said that at a previous Conference it was stated that no African was suitable to replace a European in health work. I read through the proceedings of the previous Conference, which was held as far back as 1925, and I can assure the House that there is no such statement.

Then, Sir, the Honourable the Second Lagos Member suggested it might be useful if the African Hospital in Lagos would make use of the services of private doctors. This matter was discussed with the Association of Medical Practitioners and Dentists just about two years ago, and it was pointed out then that the Government is responsible for the treatment of the patients of the hospital and must employ Government Medical Officers for the purpose and I can foresee no alteration in that policy.

The Honourable and Reverend Member for Calabar spoke of the necessity for more maternity hospitals. Now it is very definitely the policy of the Medical Department to provide maternity wards at all its hospitals and that policy is being carried out. It is being carried out gradually, I am afraid, on account of lack of funds but it is being carried out. The Honourable Member also spoke about the advisability of establishing venereal diseases clinics at certain important centres. He very rightly stressed the serious effects of these diseases on the population. I should very much like to see a start made with a vigorous anti-venereal diseases campaign in this country. It is certainly needed but again there was no funds. I should like to point out, however, that at every hospital and at most dispensaries there are special facilities for the treatment of venereal disease and that every year the number of such cases treated is very large indeed.

Well, Sir, there are one or two points of detail to which I have not referred but I am afraid that Honourable Members did not give me sufficient information about them to enable me to deal with them. If any Honourable Member wishes to bring up one of these points in the Committee stage I will do my best to supply the information.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency, just a word of explanation. When I referred to the previous meeting I was not referring to 1925 but to 1913.

His Excellency:

The Honourable Member is becoming a little antediluvian in his remarks.

The Hon. the Director of Public Works:

Your Excellency, I would first wish to express my thanks for the welcome which has been extended to me to-day on the occasion of my first appearance as a Member of this Council. I can assure the House that I am not unappreciative,

During the course of the debate a few points have been raised in connection with Public Works Department activities. These points are really more closely connected with individual items of work than with appropriation and if what I am about to say does not always appear entirely relevant to the Bill now under discussion I crave the indulgence of the House. The first question raised by the Honourable Member for the Ibo Division refers to the Onitsha Water Supply. The work on the improvements to this supply is well in hand and proceeding satisfactorily. We are at present awaiting the delivery of plant and material from England which it is not in our power to hasten. So soon as the material arrives, and I am informed that delivery will not now be long delayed, the work can be pressed forward to completion.

The next point was raised by the Honourable Member for the Oyo Division and referred to the dusty state of the roads on Ibadan Town. I believe that the roads which the Honourable Member mentioned are under the control of the Native Administration and as such are not the direct concern of the Public Works Department. In this connection however I should like to say that I have every sympathy with the Honourable Member. Dust is not only a nuisance but a menace. It can only be overcome during the dry season by treating the road with tar or other similar material. So far as the Government is concerned some 5,800 miles of road are maintained the greater part of which is untreated. Since the cost of tarring a mile of road may be between £300 and £350 it is easily seen that the resulting figure assumes astronomical proportions. Progress in this direction therefore although consistent must of necessity be slow.

The third point was raised by the Honourable Member for the Ijebu Division and it referred to the state of some of the roads in the province which he could not view with satisfaction. I would say that these roads are receiving unremitting attention but that the results must of course depend on the sums of money it is possible to allocate to them. Gravel roads—and most of the roads in Nigeria are gravel—reach a stage with increasing traffic when the type becomes definitely unsuitable. That is to say that it is not strong enough for the work it has to do. When this stage is reached it is impossible to maintain it in first class condition no matter how skilful the Engineer may be. The only solution then is to provide a wearing surface of tar or bitumen or radical reconstruction of the road. In the Ijebu Province a considerable amount of tarring has already been done and it is proposed to continue the work in next financial year so far as funds permit. It is hoped that the Honourable Member will find conditions considerably improved.

Before I conclude Sir I might mention the criticisms that are sometimes levelled against the Public Works Department. In this connection as a new comer to this country it may not be out of place for me to say that I have been greatly impressed by the large amount of work carried out by the Department. This work has often been extended under circumstances of great difficulty—difficulties of finance, difficulties in obtaining materials and last but not least difficulties in connection with personnel. I should like to pay a small tribute to those who have borne the heat and burden of the day whether they be European or African, Civil, Mechanical or Electrical.

The Hon. the Deputy Financial Secretary:

A number of criticisms and helpful suggestions have been made on the subject of the African Government establishment, particularly locally recruited staff and especially as to their suitability for holding higher or superior appointments. It is unnecessary for me to attempt to expound Government policy in that respect. That has been done very fully in a number of Sessional Papers which have been placed on the table of the Council from time to time, but I can, from an examination of the Estimates, show to Honourable Members that a great deal has been done and is provided for in the draft Estimates as laid on the table. Of the thirty ordinary departments of the Government there are locally recruited officers holding superior appointments in fifteen of them, that is to say, in all of the larger departments.

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In the Posts and Telegraphs Department there are two posts assigned to Africans this year which were previously held by Europeans and in the Public Works Department there is one post of engineer assigned to a locally recruited candidate. It used to be the practice, Sir, to show these posts as a separate provision in the departmental Estimates, but this practice is now generally discontinued, as the posts are not necessarily held by locally recruited candidates or by candidates from overseas. The fact that some of these posts are held by local candidates is indicated by showing in the Estimates the different scales of salary on which they serve. I suggest, Sir, that nothing would prejudice the extension of the policy of local recruitment for higher appointments than to give those posts to officers who were insufficiently trained and not properly qualified. Honourable Members, both Unofficial and Official, have referred in the course of this debate to training schemes in progress, by means of which we are indeed laying a sure foundation of properly trained technical recruits who will in time be able to fill the higher posts.

... not unappreciative, ... Council, I can assure the

Again turning to the draft Estimates, on the subject of technical grades I am able to say that in the Agricultural Department there are 110 posts for technical assistants on the scales laid down in Sessional Paper 1935. In the Education Department there are twenty, and in the Marine Department 150 technical staff posts, floating and ashore, including, even in this year of stress, sixteen new posts. The Medical and Posts and Telegraphs Departments have large technical staffs of course while in the Public Works Department and the Electricity Department, new grades comprising some 150 junior technical staff have recently been started. The Veterinary and the Forestry Departments also are starting similar grades for the training of technical staff. I do not suggest, Sir, that all these are additional or new posts, but a good many of them have been started or reorganised within the last few years but, what is more important, all of these posts are now held by educationally qualified men who must pass the necessary standard before they enter the grades and they will in the course of time and training become eligible for entry into the higher scales.

I feel, Sir, that some such indication as this should be given of the efforts which Government is making to provide for and encourage the advancement of the African staff towards higher and more responsible positions, as reflected in the draft Estimates now before Council.

The Hon. the Director of Agriculture:

Your Excellency, agriculture is of such fundamental importance to Nigeria that I should have felt happier if the Honourable the Unofficial Members had not been quite so lenient in their attitude towards my department. As I said last year I hope that lack of criticism has not been due to a lack of interest. The problem which faces Agricultural Departments in nearly every country of the world is how to increase the wealth of the great bulk of the people in the country. As prices have been steadily falling for some time it is not surprising that the people begin to wonder whether anything is to be achieved or whether some of our efforts are not occasionally misplaced. The Honourable Member for the Ibo Division raised an important point in this connection when he asked why we continue to advocate the planting of oil palms when the prices of the oil we produce are steadily falling. I know many people are asking that question and in some respects it is a little difficult to answer. The one thing which the Agricultural Department cannot do is to control the price of produce. We have got to accept that and plan our work accordingly. But the Agricultural Department or the Government can do three things.

They can make an effort to find an alternative crop if one crop is not profitable. I must confess that so far as the Eastern Provinces are concerned, in spite of an enormous amount of experimental work, we have not yet been successful in finding an alternative crop suitable for those acid soils, and therefore we have had to turn our attention to trying to see what can be done to deal with the oil palm itself. We know that in the East, in Sumatra and Java, and Malaya the planters there by cultivating their palms and by preventing waste through the use of machinery can produce palm oil and produce it profitably at a price less than the world price of palm oil to-day, and if they can do that with their overhead expenses, the cost of European supervision, interest, depreciation and so on, we feel that the African should also be able to produce oil profitably at these low prices. For that reason we feel the only thing we can do in spite of the continued fall in prices, is to continue to advocate that the African makes every effort to make the means of production more efficient. The Government for its part will do what it can by producing higher yielding varieties and by trying to find the most efficient type of machinery. The third method by which Government can help is by assisting people to market their produce and in this matter the Government is doing everything it can to encourage the development of co-operative societies because it believes that in the co-operative societies the farmer has the means which will enable him to secure better prices for his produce.

Two Honourable Members raised the question of land settlement for educated youths, and as the Honourable the Director of Education has already pointed out it is true that I have in mind schemes, for this purpose and possibly some day it will be possible to give them a trial but it is not entirely a simple matter. As the Honourable the Director of Education pointed out one has got to have land and in addition a certain amount of capital, but also it is essential that one shall have a system of farming which will enable the settlers to maintain the standard of living which they desire, and that can only be worked out by experiment and by trial. Experiments are being carried out at Moor Plantation to see if this is possible. In the meantime the Empire Cotton Growing Corporation is carrying out an experiment with land settlement mainly for ex-service men in the Northern Provinces.

The Honourable Member for the Rivers Division raised a small point to which I should like to reply because it enables me to refer to the West African Agricultural Conference held last year. He asked why, when the Agricultural Department started rice growing in Nigeria in the mangrove swamps, we had to send to Sierra

Leone to obtain an expert. The answer is that it is true that when we started that work we did not have a competent expert in Nigeria. The point I wish to make is this—and it really applies to a point raised by the Honourable the Commercial Member for Lagos at the last Budget Session—that the West African Agricultural Conference in one of its Resolutions made a real and definite effort to prevent the overlapping of expensive research in the various Colonies of West Africa. It recommends that Sierra Leone should be responsible for the main research on rice growing, the Gold Coast for the main research on cocoa, and that Nigeria should be responsible for the main research on matters connected with the oil palm, thus avoiding overlapping between the various Colonies.

The Honourable the Commercial Member for Lagos made our hair stand on end by telling us that the production of synthetic cocoa has now been achieved. I can only say that I have also read that people are trying to make soap with cocoa butter. Possibly this new use for cocoa will offset the loss caused by the synthetic cocoa. It is supposed to be extremely good for the complexion and, I am told, an extremely good soap.

His Honour the Acting Chief Commissioner, Southern Provinces:

Your Excellency, the debate has as usual stretched over a very wide field and a number of subjects have been raised which affect the administration of the Southern Provinces. In the short space of time available I will try to deal with the more important points. I trust Honourable Members will discuss with me during our stay at Lagos any points that I may overlook. The two major points as regards the administration of the Southern Provinces as a whole were dealt with by the Honourable the Chief Secretary. I would ask leave to add a few words in amplification of his remarks. The first point concerns the important split into the Eastern and Western Provinces. The Honourable the Chief Secretary dealt with the general aspect of the situation from Government's point of view, but the Honourable Member for the Ibo Division raised the specific case, as I understood him, of those Ibo communities who, residing as they do to the west of the Niger, will in future be administered from Ibadan instead of from Enugu. I would point out to him that these communities for years past have been administered as part and parcel of the Benin and Warri Provinces and never have they raised any objection to that course. I think that when the split takes place they will not be disturbed to find that the voice that breathes over their administrative affairs emanates from Ibadan instead of from the hardly less remote Enugu.

The second point of importance concerns the recruitment for the administrative service. I heard, Sir, with consternation the suggestion that the thirty-two cadets whom we await in the coming year should be reduced or their appointments cancelled. I trust that Honourable Members will acquit me of any desire to score a debating point in this matter. I speak with the deepest sincerity and I hope to persuade them that there is a real necessity for an adequate administrative staff in the present state of the country. I would invite Honourable Members' attention to a notice that was issued to the Press in August last in which it was stated that at the beginning of 1931 the total strength of the administrative staff was 471 officers. Since that date the approved establishment had been reduced to normal strength of 426. This figure is regarded as the minimum required adequately to serve the needs of the Secretariat, the Colony and the Provinces. Well, Sir, I think those figures may even be an understatement of the case because according to figures supplied me at short notice the total administrative establishment rose in the year 1929-30 as high as 492. I believe that is a reasonably accurate figure. Eight years later, in 1936-37, it had fallen by 122 to 370. I should like to point out the effect of that reduction on the administration of the Southern Provinces. So recently as 1935 the duty strength, *i.e.*, the number of posts Government considered should be filled, in the Southern Provinces and Colony was slightly over 150. As a result of what we called the "economic blizzard" it was necessary to reduce that number to the present number of 133, a reduction of nearly twenty, and that was regarded by Your Excellency, in consultation with Sir William Hunt, as the minimum figure required. In consequence of the reduction of recruitment between the years 1931-1935 we have not in fact been able to maintain even that reduced figure. Whereas in 1928 and 1929 we were recruiting over fifty cadets a year in 1930 a progressive and drastic reduction from the administrative point of view set in. At the time of the economic depression in 1932 only seven cadets were recruited; in 1933, six; in 1934, six; and only four in 1935. The effect of that reduction was to reduce the Administrative staff to its lowest ebb and I think it is impossible to administer the Southern Provinces on the basis of an establishment so reduced.

We have in the past three years, I am glad to say, been able to increase the rate of recruitment. I look forward confidently to the thirty-two officers whom we expect this year but, as the Honourable the Chief Secretary said, even the recruitment of the past three years has not enabled us to catch up to the reduced level of duty strength. If recent casualties are taken into account and

if we allow for impending promotions to Class II of the administrative service the shortage of officers on the Long Grade now stands at something like forty officers. Applied to the Southern Provinces that shortage means that I cannot fill those duty posts which Your Excellency considers are essential to the well being and proper administration of Nigeria, especially at a time when we are faced with hardship, misunderstandings, discontent and unrest. I suggest to Honourable Members that any further reduction in the rate of recruitment will have consequences which will involve us in considerable difficulty and very likely in expenditure far greater than will be incurred in the appointment of these officers.

The Honourable Member for the Ibibio Division remarked that trade was the life blood in the veins of Government. I should like to carry that metaphor a stage further and I suggest, Sir, that goodwill and good order are the life blood in the veins of trade. I suggest that trade cannot function freely and normally unless goodwill prevails among all sections of the community and unless the country is in a peaceful state and communications are free to all. It is the function of the Administrative Officer—it is one of his prime functions—to maintain law and order, to promote goodwill and to remove those misunderstandings which as recent experience has shown can lead to such difficult and unnecessary situations. But the Administrative Officer can only achieve those objects if he is free to move about among the people in their villages, hear their complaints and remove rumours and misunderstandings among the people. At the present moment the Administrative Officers are not free to move freely about among the people. In the words of a Resident writing only the other day “They are tied to the leg of their office table.” They have to devote long hours to office work and they suffer in consequence from a sense of frustration in that they are unable to give sufficient time to important administrative work, which is so very necessary, lying ready to their hands; but the arrival of these thirty-two cadets will liberate some of our experienced officers to go abroad among the people and carry out much needed work and supervisory duties in their districts. I may be asked how it is that it is necessary for officers to spend so much time at office work? Is it not possible to reduce the volume of office work? With the best will in the world it is in fact very difficult to reduce it. It may seem a truism merely to say that the volume of work increases every year, and perhaps I may be allowed to give an example from my personal experience which contrasts conditions of twenty years ago with the conditions prevailing now.

Roughly twenty years ago, I was in charge of a Division in the Eastern Provinces assisted by an Assistant District Officer (who is here to-day with us). In those days we found that our essential office work could be carried out in seven days a month, and for the rest of the time we travelled the Division. We got to know and, I hope, to achieve the confidence of the people. To-day, Sir, in that same district, Native Administration has been introduced with the effect that the District Officer has the responsibility of supervising no fewer than seven separate and distinct native treasuries. I think it would not be an overestimate to say that not one in 10,000 of the citizens of that district is literate. I believe that the only educated people in the Division are strangers to it. The result is that the native authorities who are charged with the collection of tax require assistance when they pay in money to their Treasuries. We cannot entrust the entire responsibility for tax amounting to about £10,000 to a handful of clerks emerging from a neighbouring Government school. The District Officers have to give their personal supervision to every detail. Further, this work has increased by the fact that out of that £10,000 gross tax ninety per cent is paid in nickel, due in a large part to the fact that the natives distrust the shilling piece which can be so readily counterfeited. If the Honourable Members will consider the amount of work involved in checking £9,000 in nickel (I feel sure the Honourable Banking Member will at least support me in this) some appreciation may be gained of the difficulties involved, and the difference in the work I and my Assistant District Officer did twenty years ago as compared with the enormously increased volume of work now falling to District Officers. Yet I would remark that the staff of that Division is no greater to-day, and has often been less, than the normal staff accorded to us twenty years ago. I hope I may be excused for instancing that personal experience which I submit as a practical example of the increased volume of work which Administrative Officers have to bear if the good administration of the Southern Provinces is to be preserved.

I shall deal as briefly as I can with the other points of detail brought up by Honourable Members in the course of the debate. I was very glad to hear that the Honourable Member for the Egba Division gave the Western Provinces a good book. He referred to their happy state in contrast to the conditions prevailing a year ago. I would like to take this opportunity of paying a tribute to those Native Authorities who co-operated with Administrative Officers and were responsible for bringing about that happy state of affairs. Your Excellency has singled out the Awujale for special commendation. I would make mention also of the

Akarigbo of Shagamu. A year ago when I took my leave of the Akarigbo after the Yoruba Conference he said to me with great earnestness. "Your Honour, when you next meet me you will praise me", and his words have come true. He has done his utmost for the new administration and the harmonious relations now prevailing are due in a large part to the restraint, wisdom and character of the Akarigbo and his Council.

As to the Western Provinces, the Honourable Member for the Egba Division raised the possibility of distraining on the real property of debtors with special reference to the collection of tax at Abeokuta. On the strength of his statement that the Resident views his proposals with sympathy I will make a point of calling for his report on the situation and it will be given due consideration. I would point out in passing that there is an obvious objection to distraint on the real property of an individual in a community where the bulk of land is family-owned.

The Member for the Egba Division (The Hon. A. Alakija):

An interpleader summons would meet that.

His Honour the Acting Chief Commissioner, Southern Provinces:

I should like to break a lance with the Honourable the Commercial Member for Lagos, who raised the question of delay in the preparation of leases and compared the Resident's office to that of a Post Office. I admit, Sir, that the mills of Government in the matter of land grind exceedingly slowly but I think that in all matters relating to native land tenure they should grind exceedingly small. The need for survey is responsible, I suggest, for much of the delay. Your Excellency has approved in principle certain proposals which were put up a year ago to the effect that the great bulk of the work hitherto carried out by the Lands Section at Enugu should be taken over by the Commissioner of Lands. I hope and trust that this will materially shorten the delay in the execution of the average lease. Your Excellency has also approved in principle substantial delegation of powers to Residents which will enable them to deal with the great bulk of short term leases.

The Honourable Member for the Warri Division delivered a personal onslaught upon a well known letter-writer in the Warri Division. That letter-writer is well known to me personally. As to the statement that this letter-writer is fomenting trouble among the people the Honourable Member will no doubt bring any such activities to the notice of the Resident. For my part I am content to leave his activities to the sound judgment and good sense of the Honourable Member's fellow countrymen.

As regards the point raised by the Honourable the Member for the Oyo Division with regard to the state of Ibadan Town roads, I would point out that not only do the Public Works Department maintain trunk roads serving the Township, but that the Native Administration is also concerned. If the Honourable Member will refer to the current Estimates of the Ibadan Native Treasury he will find that a remarkable sum has been set aside in pursuance of the five-year plan for the improvement of the Ibadan Town road system. The sum of £1,400 is provided for the specific item "New Town Roads, Ibadan". For the maintenance of roads in the Ibadan Native Treasury area, £4,600 is provided, of which a considerable sum is probably devoted to the maintenance of roads in the Township. In view of this expenditure I suggest that the taxpayer is receiving no small return for the tax he pays.

I turn now, with a certain sense of relief, to the Eastern Provinces. The Honourable Member for the Rivers Division criticised the proposed duty on bicycles as likely to cause hardship. I would remind him, however, that the vast majority of bicycle-owners pay no licence-fees, and that the Native Authorities have been singularly reluctant to impose any such fees, however small.

The Honourable Member for the Rivers Division next referred to that hardy perennial, the jurisdiction of Native Courts in land cases. He suggested that Government should consider the institution of a separate Land Court. I regret that I cannot agree with him. I consider that the Native Court is the right and proper Tribunal for the hearing of ordinary land cases, having regard to the fact that complex cases can be transferred to the Protectorate Courts, while disputes between communities can readily be determined under the Inter-Tribal Boundaries Settlement Ordinance.

I must beg leave to differ from the views expressed by the Honourable the Member for the Ibibio Division in his survey of conditions in Calabar Province so far as Native Courts are concerned. The Honourable Member has a lower opinion of the Native Court Members than I have. He told us that justice is sold for a song to the highest bidder. I do not accept that statement. I go further: I repudiate it. I believe that the reconstituted Courts of the Calabar Province to-day dispense a far higher standard of justice than their predecessors did. I am well satisfied with the present system, which may be judged by the facts and figures given in the 1937 Annual Report on the Southern Provinces, which show that the percentage of judgments modified or annulled on review and appeal is astonishingly low. The Honourable Member further suggested that all taxpayers were Judges. I am at a loss to know how he arrived at that conclusion. The bench of the Native Courts is composed of persons qualified by native custom to act as

Judges and it includes a growing number of persons qualified also by character and ability. The time may come when we shall get some form of stipendiary Magistrate but that time has not come yet.

The Honourable the Member for the Rivers Division criticised the repeated "send-offs" for Administrative Officers when going on leave. I have to say, Sir, that I heartily endorse his view. I think at a time of depression this practice is to be deprecated. I should support any action the Honourable Member may think it proper to take with a view to reducing these "send-offs" in his constituency. I consider that the same principle should apply to the innumerable "send-offs" given to members of the African Staff.

The Honourable the Member for the Rivers Division raised a further point in connexion with condemned prisoners. I am glad to say that on Your Excellency's instructions a circular is being issued which will make it possible for the relatives of condemned prisoners to be informed at the earliest possible moment of the terms of the Governor's Order with regard to commutation or the carrying out of the death sentence. They will be advised and personally informed.

The Honourable the Member for the Ibo Division raised the thorny question of technical education with which the Honourable the Director of Education has already dealt. I do not think it is necessary for me to go further with that except to say that where Native Administration aims and ideals are consistent with the policy of the Government in the matter of technical education I shall be happy to encourage and support any expenditure that may obtain useful results.

With regard to criticisms of the Onitsha water supply the Honourable the Director of Public Works dealt with the matter from the departmental aspect. I should like to add that the Honourable the Senior Resident of the Onitsha Province has made a personal inspection of all the standpipes there. I am quite certain that the position will be speedily improved.

Finally the Honourable Member for the Ibo Division raised the question of the remuneration given to Judges of the Native Courts where the massed bench system prevails. He compared the position of a Judge with that of a casual labourer and contrasted the happier conditions enjoyed by the casual labourer who earns at least sixpence a day. Native Administration is admittedly in its infancy. It is my conviction that the people themselves will find the remedy in such matters. In the particular case of the Obi of Onitsha I would remind the Honourable Member that it is only a year since I increased the Obi's salary to an amount appropriate to the duties performed by him.

In conclusion, I think I have covered the majority of the points raised in the debate. Before I sit down, may I express my thanks to Your Excellency for the kind words in Your Excellency's address as regards my appointment, and say how greatly I have been touched by the tributes which have been paid to me by Honourable Unofficial Members. I should like to take this opportunity of saying that I shall enter on my new task with the fervent hope that those Members whose constituencies lie in the Eastern Provinces will give me the benefit of their counsel and advice in these difficult times. I trust that they will not just sit back and spring bombshells on me in Legislative Council but that they will come and see me, or at least write to me, about them so that we may perhaps arrive at some mutual conclusion which will assist the administration of the country. I say this with the utmost sincerity, the more so because I have found in the course of several years' experience as a Resident that Honourable Unofficial Members are sometimes a little reluctant to discuss such matters with us. I hope therefore that Honourable Members will make a point of giving me the benefit of their counsel and advice without which, Sir, my task will be no easy matter.

His Honour the Chief Commissioner, Northern Provinces:

Your Excellency, no one can suggest I have any reason to support any policy or organisation merely because it is something to which I have been brought up. I am therefore in a slightly different position from the Honourable the Acting Chief Commissioner, Southern Provinces, and in another way from the Honourable the Chief Secretary, in that I have the advantage of having performed one tour in Nigeria during which I have visited nearly every Province and a great majority of the districts in the Northern Provinces and therefore I have had personal experience of the work which is being done by the Administrative Service. It is a human trait that any officer who is transferred from one part of the Empire to another approaches his new duties in a somewhat critical spirit. He finds differences from what he has been accustomed to in the past and he tends to try and examine the foundations to see if they are sound and thereafter the policies to see if they are built on the foundations existing in the past. I think you will bear me out, Sir, that I have not abstained from that criticism. As a result of that critical approach I have come to one general conclusion as regards the Administrative Service in Nigeria and that is that the admirable work being done in the Northern Provinces for the benefit and advancement of the people in those Provinces—work which deserves the highest praise—is work which is being carried out not only under the difficulties of climate but under the almost insuperable handicap of serious shortage in staff.

It may be of interest to Honourable Members of this Council if I make a short comparison with what I have been accustomed to before I came to Nigeria. It is admitted that there must be some relation between the population and the number of Administrative Officers required to administer that population satisfactorily, and as it is desirable that every Administrative Officer should be as closely in touch as possible with the people he is to administer one has also to consider the areas, and it is obviously more difficult to deal with 1,000 people scattered over fifty square miles than 1,000 in one square mile. First of all let us take the population of Malaya. For every 1,000 of the population we have $4\frac{1}{2}$ Administrative Officers. In the Northern Provinces of Nigeria we have $1\frac{3}{4}$. Taking the test of area for every 1,000 square miles in Malaya there are five Administrative Officers. For every 1,000 square miles in Northern Nigeria there is just one officer. That, I think, shows at once that we are not excessively staffed, but at the present moment the Northern Provinces have fifteen duty posts unfilled. In addition to that there are seventeen officers who are employed elsewhere. What is the effect of this? I should like to say that the only possible justification, for anyone who claims that we should allow that shortage to go on, is that there is a lot of unnecessary work being done, or that officers are not working hard enough. If I could suggest to this Council any work that could be cut out which would result in our saving some money by having a smaller staff I should have done it already.

As regards the hours of work of Administrative Officers one of the matters which struck me most of all when I came to Nigeria is the excessively long hours worked by the Administrative staff in the districts. Not only have they to work very long hours during the day but an officer is not really able to take one full Sunday as a holiday in three or four months. One inevitably finds men getting stale and possibly falling sick and being invalided home. The result of that is that we have to move officers far too frequently and the work suffers because of the constant changes. Officers get disheartened because they have no opportunity of carrying out any particular policy which they feel would be of interest and advantage to the people. I should support any proposal for a reduction in the Administrative staff and for the consequent reduction in expenditure if I could feel that there was still a possibility of performing the work which every Honourable Member in this House can see is so necessary. My experience of one tour which covered all the Northern Provinces completely satisfied me that we are unable to carry out the work efficiently at the present time and the strain on the European officers of the Administrative Service is colossal.

The Hon. the Attorney-General:

Your Excellency, I rise to refer to one point only. I shall be very brief. Two of my Honourable and learned friends have referred to the question of King's Counsel in Nigeria and to a particular King's Counsel in British Guiana. I think it may perhaps be of some good if I stress some of the disadvantages of being a King's Counsel. My Honourable and learned friend, the Third Lagos Member, suggested that it would be a very happy state of affairs to sit in Court with several Members of the Bar in full bottom wig and robes. My Honourable and learned friend referred to a King's Counsel of British Guiana. He happened to mention a country that I know very well because I myself am still a Barrister and Solicitor of the Bar of British Guiana, and I think if I can explain that there is a difference between the practice here and there it may help to clear the air.

In British Guiana it is true that a barrister is also a barrister and solicitor but his duties as solicitor cease completely when there is any sum involved up to the amount of £50 after that he can only then act as Counsel; he must be instructed by a solicitor. There is a sharper division in the work over there than there is here. The senior Members of the British Guiana Bar have a very extensive practice—so extensive they approximate very closely the ordinary practice of the English Bar; not as here.

One other point to which I would refer, Sir, is this. I take it that if my Honourable and learned friends wish to become King's Counsel they must be prepared to abandon their practice in the Magistrates' Courts unless there is a King's Counsel on the other side. They must be prepared to appear in a superior Court only if they are accompanied by a junior who must receive two-thirds of the same fees as they themselves receive. They must have a clientelli sufficiently wealthy to pay that; for two men to do the work that at present is done by one. They must also be prepared, Sir, not to take any action against the Crown without special permission. In other words, I think they must be prepared to abandon their practice.

The Hon. the Financial Secretary:

In winding up this debate it falls to me to do practically no more than refer to the financial aspect since all the other points have already been covered.

I heard with some surprise that my Honourable friend the Second Lagos Member said I had painted a rosy picture. I was under the impression, Sir, it was one of unrelieved gloom. In fact, I almost reduced myself to tears. But since it was not that Honourable Member alone who suggested that I was more

optimistic than was justified I think Honourable Members must have overlooked the warning that I gave when I moved the first reading of this Bill on Monday when I said that gloomy as was the picture Your Excellency had drawn it was only right that I should mention the possibility that the outcome for this year would be substantially worse. That being the case, I do not think I can be accused of undue optimism in regard to the current year.

It was suggested that the revised figures for this year do not in fact justify the estimate for next year. For example the figures for Marine earnings are shown as more next year than the revised Estimates this year. (Here, Sir, I am glad to be able to mention a very small silver lining. Since those Estimates were printed the latest Estimate of Marine earnings for 1938-39 is appreciably higher.) There must of course be a number of minor variations but in general the principle followed has been that we may reasonably expect next year's revenue to be not less than that for this year and I don't think I am being unduly optimistic in following that principle. But it is realised that the possibility of further deterioration exists. The Estimate is what was considered a fair Estimate when this budget was prepared. The possibility that the actual amount collected may be less is one of the reasons which have led Government to urge the necessity for increased taxation. If one could be confident of the outcome for next year the need for increased taxation would be less. It is because we feel that there is that element of doubt that we are compelled to bring forward proposals for new taxation.

It was suggested by one Honourable Member that Government might endeavour to take the Honourable Unofficial Members more into confidence and consult them but I submit that that is precisely what we are doing. I feel sure Honourable Members will not suggest that they should have been asked to assist in compiling this document but when this Bill has passed the second reading I shall move that the Bill with the Estimates be referred to a Select Committee consisting of the Standing Committee on Finance. And that is not a mere formality. It is the desire and intention of Government that Members of the Finance Committee should consider every item within those Estimates and if as a result of our deliberations the Committee come to the conclusion that the Estimate of revenue is unduly high then I shall advise Your Excellency that our budget figure must be reduced accordingly. I hope that it is realised that Government does not set out to be omniscient in presenting figures or Estimates of revenue which may not in fact be realised; these are no more than draft Estimates which are in due course to be considered by the Finance Committee.

One word more, Sir, in connection with the revenue. The Honourable the Shipping Member suggested that had the Railway revenue been somewhat higher it might not have been necessary to increase taxation measures. Well I must disagree with that suggestion. Had the Railway had a substantial surplus no part of that surplus would have accrued to our general budget. It is accepted policy that the Railway shall, as far as possible, stand on their own feet. If they have an accumulated deficit it may be that the Nigerian taxpayer may have to foot the bill but if they have a surplus that does not come into general revenue.

I do not think I need refer to detailed items of expenditure. There are very few that have not already been covered but in any case, as Members are aware, they will be at liberty to bring forward any such items in Finance Committee and I can assure them of sympathetic hearing from Government.

There is one very small point which I should like to mention in amplification of what the Honourable the Director of Medical Services said. I do not wish this Council to have the impression that gratuities to sanitary labourers are automatic. As Financial Secretary I have to make a reservation. Gratuities other than those under the Pensions Law and all *ex-gratia* awards are submitted to and approved by the Finance Committee but they are not automatic.

Now, Sir, I will turn to the new taxation measures and avail myself of the latitude which Your Excellency allowed to other Members in discussing this point. With regard to the Customs Tariff Resolution there is little I need say except to endorse what the Honourable the Chief Secretary has said, namely, that the details will come up for consideration by the Finance Committee and I can promise sympathetic consideration to any modifications that are suggested on the understanding that the need for extra revenue is fully appreciated.

In connection with the excise duty I must join issue with my Honourable friend the Commercial Member for Lagos on a very small point but one which I think is most important and should be fully appreciated. In introducing the resolution, I stated that I was convinced that the cost to the consumer would not be increased and I took special pains to make it clear when the Honourable Member himself was speaking that I referred to the cost to the consumer. The reply of the Honourable Member was "The price has already been raised". Sir, I adhere to the statement that I made before that the cost of this cigarette to the consumer has *not* been increased. Furthermore, I have every reason to believe that it will not be increased. I have had assurances which I have no reason to doubt that the company

manufacturing will take steps to ensure that the price to the consumer remains at four a penny. In my earlier remarks I mentioned the possibility of some adjustment. That adjustment may be in size or in quality. I am not sufficiently familiar with the details of the manufacture to say how it will be done but I repeat that the price for this cigarette to the consumer is four a penny and I have no reason to think that it will not remain at four a penny.

On the question of income tax I do not think there is anything I need add. I think I correctly interpreted the views of Members to be that they recognise the need and that $1\frac{1}{2}$ per cent is not high. There remains the question of the Companies Income Tax and I hope my Honourable friend, the Commercial Member for Lagos, will forgive me if I join issue with him. He said that he would not like to be the man who went down to posterity as having picked the pockets of the United Kingdom taxpayer of £120,000 and gave them in return a silver bell. I am not sure whether he referred, Sir, to you or to me. So far as the bell is concerned I feel sure it will be Your Excellency, but if my own name is coupled with the Companies Income Tax I shall not be afraid of the responsibility. It is not, to my mind, a question of picking the pockets of the United Kingdom taxpayer but of taking money that properly belongs to us. The tax on companies' profits will be a tax on Nigerian money, not on United Kingdom money. That money is earned in Nigeria and I can see no possible reason why those profits should not make a contribution to the Government of Nigeria. Of course, if any company feels strongly on the subject it is still open to that company to refrain from making a claim on the United Kingdom Exchequer.

I would like to draw attention to one final point in connection with the Companies Income Tax. My Honourable friend the Shipping Member urged that it should be referred to a Select Committee and I think I am not misinterpreting the views of the Honourable the Commercial Member for Lagos and the Honourable the Banking Member in suggesting that they share that opinion. I am glad to be able to give the assurance that Your Excellency agrees to the appointment of a Select Committee and after the Bill has been read a second time I shall move that it be referred to a Committee accordingly. I do not share the considerable doubts that have been expressed as to the wording of that Bill because it is based on a Model Ordinance which has been prepared with a great deal of care and after comparison with a number of Ordinances in other parts of the world which have, I understand, worked satisfactorily for a number of years. But since there is no question of the revenue suffering, which is my main concern in this connection, I see no objection whatever to the reference to Select Committee and shall welcome any suggestions they can make.

Finally, the impression I have received from this debate is that whilst there have been detailed criticisms of the Estimates both of revenue and expenditure this Council, as a whole, endorses the policy which those Estimates are intended to reflect. On that note I would commend the Bill to this Council.

Bill read a second time.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that this Bill be referred to the Standing Committee on Finance.

His Excellency:

The Bill is referred to the Standing Committee on Finance which will meet to-morrow morning at 10.30 a.m.

ADJOURNMENT.

The Council adjourned at 4.40 p.m. until Wednesday, the 15th of March.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Wednesday, 15th March, 1939.

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Wednesday, the 15th of March, 1939.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable Mr. C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,
His Honour Mr. T. S. Adams, C.M.G.
- The Acting Chief Commissioner, Southern Provinces,
His Honour Mr. G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable Mr. H. C. F. Cox, K.C.
- The Financial Secretary,
The Honourable Mr. H. L. Bayles, C.M.G.
- The Director of Medical Services,
The Honourable Dr. R. Briercliffe, C.M.G., O.B.E.
- The Director of Transport,
The Honourable Mr. G. V. O. Bulkeley, C.B.E.
- The Director of Education,
The Honourable Mr. E. G. Morris, O.B.E.

- The Director of Marine,
The Honourable Commander A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,
The Honourable Mr. E. C. F. Bird.
- The Acting Deputy Chief Secretary,
The Honourable Mr. T. Hoskyns-Abrahall.
- The General Manager of the Railway,
The Honourable Mr. J. H. McEwen.
- The Director of Public Works,
The Honourable Mr. S. J. W. Gooch.
- The Director of Agriculture,
The Honourable Captain J. R. Mackie.
- The Honourable Captain A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.
- The Honourable Mr. S. R. Marlow,
Deputy Financial Secretary (Extraordinary Member).

UNOFFICIAL MEMBERS.

- The Member for Shipping,
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,
The Honourable Dr. H. Carr, O.B.E., I.S.O., D.C.L.
- The Member for the Ibo Division,
The Honourable Mr. B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable Mr. S. B. Rhodes.
- The Member for the Warri Division,
The Honourable Mr. A. Egbe.
- The Member for the Oyo Division,
The Honourable Mr. N. D. Oyerinde.
- The Banking Member,
The Honourable Mr. D. D. Gibb.
- The Commercial Member for Lagos,
The Honourable Mr. R. M. Williams.
- The Member for Calabar,
The Honourable Revd. O. Efiog.
- The Member for the Ibibio Division,
The Honourable Mr. N. Essien.
- The Member for the Ijebu Division,
The Honourable Dr. N. T. Olusoga.

- The Second Lagos Member,
The Honourable Dr. K. A. Abayomi, M.D.
- The Third Lagos Member,
The Honourable Mr. O. Alakija.
- The First Lagos Member,
The Honourable Mr. H. S. A. Thomas.

ABSENT.

OFFICIAL MEMBERS.

- The Commandant,
The Honourable Brigadier D. P. Dickinson, D.S.O.,
O.B.E., M.C.
- The Senior Resident, Kano Province,
The Honourable Mr. J. R. Patterson.
- The Resident, Oyo Province,
The Honourable Captain E. J. G. Kelly, M.C.
- The Resident, Owerri Province,
The Honourable Mr. F. B. Carr.
- The Senior Resident, Plateau Province,
The Honourable Mr. E. S. Pembleton.
- The Senior Resident, Onitsha Province,
The Honourable Mr. A. E. F. Murray.
- The Senior Resident, Ilorin Province,
The Honourable Mr. F. de F. Daniel.
- The Senior Resident, Sokoto Province,
The Honourable Commander J. H. Carrow, D.S.C., R.D.
- The Resident, Benue Province,
The Honourable Mr. D. M. H. Beck, M.C.
- The Resident, Niger Province,
The Honourable Mr. P. G. Harris.
- The Resident, Katsina Province,
The Honourable Mr. R. L. Payne.
- The Secretary, Northern Provinces,
The Honourable Mr. A. E. V. Walwyn.
- The Acting Secretary, Southern Provinces,
The Honourable Mr. E. N. Mylius.

UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,
The Honourable Mr. P. H. Davey.
- The Commercial Member for Kano,
The Honourable Mr. W. J. Ogden.
- The Commercial Member for Calabar,
The Honourable Mr. L. A. McCormack.
- The Mining Member.
(*Vacant*).

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 8th March, 1939, having been printed and circulated to Honourable Members were taken as read and confirmed.

ANNOUNCEMENTS.

His Excellency the Governor addressed the Council on the subject of the setting up of a Committee to advise the Government with regard to the recommendations of the Commission on the Marketing of West African Cocoa.

PAPERS LAID.

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

Revised First, Second, Third and Fourth Schedules to the 1939-40 Appropriation Ordinance.

QUESTIONS.

The Hon. the Member for the Oyo Division (Mr. N. D. Oyerinde):

1. (*Question No. 1 of the 8th of March, 1939*). (a) Is it a fact that an Appeal in a land case *Oluwofin vs. Ige*, which came from Olubadan's Court to the District Officer's Court, Ibadan, where evidence was taken and the appellant was required to pay £25 for survey has been sent back as a fresh case to the New Native Land Court?

(b) If so, why?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) Because, in the opinion of the appellate court, this was the proper course.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

2. (*Question No. 2 of the 8th of March, 1939*). (a) Is it correct that there is a seminary established by the Methodist Mission for girls or women at Ituk Mban Village in the Uruan Clan, Uyo District? If so,

(b) What is the number of the members on the staff, and what are their names, nationalities, qualifications and salaries?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

3. (Question No. 3 of the 8th of March, 1939). (a) To ask the Honourable the Director of Education which of the Middle Schools and Colleges in the Northern Provinces of Nigeria admit pupils whose parents are non-natives of the Northern Provinces?

(b) What is the total number of such pupils?

(c) How are they distributed among those schools and colleges?

(d) Which of the Middle Schools and Colleges of the Northern Provinces are not to admit pupils whose parents are non-natives of the Northern Provinces of Nigeria?

Reply not yet ready.

The Hon. the Member for Calabar (Revd. O. Efiang):

4. (Question No. 4 of the 8th of March, 1939). (a) To ask for full details in connection with a certain incident which occurred in Calabar on the 17th of January, 1939, in which it is alleged one Mr. E. H. Efiom was seriously assaulted and wounded by police constables in an attempt to arrest him?

(b) What was the crime for which it was found necessary to arrest him?

(c) What injuries did he sustain and how did he manage to sustain those injuries?

(d) What official action has since been taken in the matter?

Reply not yet ready.

The Hon. the Member for the Ijebu Division (Dr. N. T. Olusoga):

5. (Question No. 5 of the 8th of March, 1939). Is Government aware of the action of a Police Constable, Thomas Shorunke in Ijebu Remo Division of the Ijebu Province, who at Ilishan stripped naked one Bakare Sari, ordered him to be severely beaten, causing bodily harm and ordered the wounds thus inflicted to be massaged with pepper, and ordered the man in stark nakedness to be paraded around the public streets and markets in broad daylight at Ilishan, as a result of which treatment Bakare Sari was later removed to the hospital at Ijebu Ode for medical treatment; that reports were later made to the Assistant Superintendent of Police and the Resident, Ijebu Ode, and evidence given in connection with the incident in December, 1938, in the High Court at Ijebu Ode. To ask:—

(a) What was the nature of the report made by the Medical Officer on his treatment of Bakare Sari especially when giving evidence in Court?

(b) What remarks did the Judge make in his findings particularly on the action of this policeman?

(c) Whether any police constable has justification to treat an offender so brutally and in so inhumane a manner as described above? If not,

(d) What is Government prepared to do to obviate a recurrence of so disgraceful a treatment from the hands of police officers to the members of the public?

(e) What was the step taken by the Assistant Superintendent of Police to whom this incident was reported?

Reply not yet ready.

The Hon. the Member for the Ibibio Division (Mr. Nyong Essien):

6. (Question No. 6 (c) of the 8th of March, 1939). What were the accounts of the cost of the escort?

Reply not yet ready.

The Hon. the First Lagos Member (Mr. H. S. A. Thomas):

7. (Question No. 7 of the 8th of March, 1939). To ask whether Government will favourably consider the question of paying salary at £48 a year from the dates of the confirmation of their appointments, to Probationer Clerks who did not pass the Junior Clerical Service Examination owing to that examination being abolished by Government before the expiration of the period of three years allowed for passing it?

Answer:—

The Hon. the Financial Secretary:

No, Sir. Government is not prepared to reconsider this matter. It is in accord with established principles that Probationer Clerks who have not reached the required standard for confirmation, as laid down from time to time, are unqualified clerks and therefore have no claim to benefit from conditions of service which were contingent on certain qualifications, if they had not acquired those qualifications in time to benefit from the relevant conditions. This principle was applied to officers who were still on probation at the time of abolition of the Junior Clerical Service examination, and also to probationers who were unconfirmed at the date of introduction of the salary scheme set out in Sessional Paper No. 19 of 1935.

The Hon. the Second Lagos Member (Dr. K. A. Abayomi):

8. (Question No. 8 of the 8th of March, 1939). Has any decision been reached on the question of providing some form of Special Allowance to cover an exceptional case of an officer who is dismissed owing to misconduct after having rendered valuable service during the bulk of his career?

Answer:—

The Hon. the Chief Secretary to the Government:

It appears that the Honourable Member has in mind the statement contained in the last sentence of the penultimate paragraph of the reply to Question No. 72 given at the Legislative Council meeting of the 7th of March, 1938, regarding dismissal for indebtedness.

2. The position in regard to such cases has been reviewed and it is now the practice when there are special extenuating circumstances to consider the award of a punishment lesser than dismissal, which though involving removal from the Service does not preclude the award of a retiring allowance under the Pensions Law. It must be clearly understood however that very strong reasons must exist to justify this course.

The Hon. the Third Lagos Member (Mr. O. Alakija):

9. With reference to the last sentence of the reply to Question No. 48 regarding the salary scales of messengers which was tabled on the 28th of November, 1938, is it the case that all literate messengers are paid an initial salary of £18 *per annum*?

Answer:—

The Hon. the Financial Secretary:

It is regretted that the last sentence of the reply in question is somewhat misleading as it implies that an initial salary of £18 *per annum* is payable to all literate messengers on appointment to Government service. The real position is, however, that literate messengers are eligible to receive an initial salary of £18 where such qualification is required in connection with the duties of the post.

RESOLUTIONS.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that the Report of the Finance Committee which was laid on the table to-day be adopted.

This Report, Sir, represents the net result of the deliberations of the Finance Committee from Wednesday last until Monday. The net result, Sir, as shown here includes a wealth of detail in the Schedules attached to the Report but paradoxically those Schedules do not in fact represent the major work of the Committee. I will go a little further and say that the majority of alterations reflected in those Schedules are minor items—transfers from one head or one sub-head to another, or corrections of clerical errors or omissions.

During the period in which the Committee sat they went through the Estimates in great detail. In the first place they gave very close consideration to the revenue position and whilst they recognised, as in fact everyone must recognise, that at the present moment in the existing state of world trade, it is not possible to forecast with any accuracy what is likely to be the revenue for the coming year, they agree that it is a reasonable attitude to adopt to assume that the revenue for the coming year will not be worse than that for the year now drawing to a close. On that basis, the Committee felt compelled to advise that the estimate of revenue in respect of Customs duties should be reduced. That, Sir, is

precisely the view that is held by Government. As I explained in introducing the Bill the Estimates are of necessity prepared some time before they are presented to Council and it was fully realised within the last few weeks that the position had deteriorated considerably but I am glad to be able to draw attention to the fact that the Committee saw no reason to fear that the drop in revenue will be more than £50,000. In addition, the Committee called attention to the need, which it is hardly necessary for me to say is fully appreciated by Government, for watching the revenue position closely throughout the year.

In regard to expenditure, a great many matters came up for consideration. Every head of expenditure was the subject of very close review. A great many important points were raised by the Committee and whilst it is not possible to embody these in the Report they have been carefully recorded and action will be taken to investigate them and to consider what action is possible.

Finally, Sir, I should like to record my appreciation of the very valuable co-operation which I, as Chairman, received from members of the Finance Committee. Not in every case was agreement possible—in fact I think that it would mean that the Finance Committee were not functioning if we did agree on every point brought up, but in every case the views of Government were considered and appreciated by Non-official Members. Similarly the views and suggestions put forward by members will receive the close consideration of Government.

Your Excellency, I beg to move.

The Member for the Egba Division (The Hon. A. Alakija):

Your Excellency, I rise to second the motion and would like to say that at the time this Council met on the 6th of March and the Appropriation Bill was referred to the Finance Committee the Unofficial Members marched to the Committee declaring war but when we got into Committee we found that by the characteristic coolness of the Honourable the Financial Secretary and the manner in which he went through all the various heads and items we were able to sign a truce and we declared an armistice before we left. I wish to be allowed at this stage to make reference to some Press comments. The Press is a very valuable thing in any community and we welcome criticisms so long as they are constructive but I do wish that Press men would talk more to Members and find out things as the Press do in other countries so that their facts would be accurate when they are placed before the public. The Press accuses us already about the Stamps Ordinance—perhaps a little prematurely. The Press even attacked

the Honourable Member has in mind the statement contained in the last sentence of the penultimate paragraph of the reply to Question No. 72 given at the Legislative Council meeting of the 7th of March, 1938, regarding dismissal for indebtedness.

Members here with regard to their overlooking the item of Subventions. We even had a Press which suggested that the Head of the Legal Department, Mr. Cox, should bring a sharp knife into this House and disembowel himself. The Press even suggests that the wines we drink in Government House come under smuggled articles so that I think that a little trouble taken by the Press men to speak to Members and find out facts will do the Press well because after all is said and done papers are read far and wide. It is bad journalism for any Press to rush into print and then on the very next day to publish errors.

With regard to items of Subvention. For the last five years since I have had the honour of being a Member of this House those items have always been the subjects of criticisms particularly from the Honourable the Shipping Member Mr. Feggetter and also, if I rightly remember, from the Honourable the then Second Lagos Member, and some other Unofficial Members. As Your Excellency knows, the Budget speeches are just merely a preparatory ground work. The work itself is done at the Committee stage and it is not expected in a Budget speech that reference should be made to every item of the Estimates. Otherwise, Budget speeches would last about a month. On those items of Subvention I should like to take this opportunity of mentioning that Government has already committed itself for many years to some of these items; nevertheless the items were always subjected to a rigid scrutiny in the Committee stage and the Unofficial Members are satisfied that those items which they have passed should remain.

As time goes on, Your Excellency, I think the items under this head will be reduced gradually until we are able to make some desirable savings because, as we all know, charity begins at home. There is a curious rumour to which I would refer with Your Excellency's permission, because it was discussed in Committee. The rumour was a widespread one and it was directed against the Honourable the Financial Secretary. It was discussed amongst Unofficial Members and it was to the effect that the Financial Secretary travelled recently very luxuriously and that his travel cost the Government £360 or some figure of that sort. Well I thought at the Committee stage when the item under the Nigerian Secretariat was discussed that I should give the Honourable the Financial Secretary the opportunity of admitting or denying this rumour and I asked him to let us know what happened. I am glad to say that all Unofficial Members are satisfied that there had been nothing of the sort and that although the Financial Secretary did travel in the interests of his duty his so called luxury was no more than what the dignity of his office demanded and the cost was negligible. The rumour was as fantastic as it was malicious. I mention this because as I said before it was

discussed among Unofficial Members and I think I should not allow the matter to slide unchallenged. I am not accusing Honourable Members of this rumour but I am asking the Press to take notice that the rumour is unfounded.

To go back to the subject of the motion as I have said before, the Unofficial Members went page by page through the Estimates and questioned every Head of Department. I must say that even the Chairman, the Honourable the Financial Secretary, at times agreed with the Unofficial Members in the questions which were directed against Heads of Departments and we are all satisfied that we could not do more than what we have done without reducing the efficiency of the Service or impeding the progress of the administration, so that, Sir, I wish to place on record on behalf of the Members of the Committee our thanks to the Honourable the Financial Secretary for the patience, tact and fairness with which he has conducted the affairs of the Committee.

His Excellency:

Before I put the question I should like to add one little word to what the Honourable the Financial Secretary has said about the excellent and very hard work put in by members of the Finance Committee over this Appropriation Bill and the Estimates. It has taken up a very great deal of their time and they have been very thorough and exceedingly helpful and I should like to say one thing here about the general attitude taken up not only by the Press but, I think, to some extent by the public in regard to the relations between the Official and Unofficial side of this House when we are dealing particularly with the Estimates.

Now, our Colonial legislatures are modelled on the House of Commons but in reality they are very different. The Government here is not in the position of a Government which has been elected and can be replaced and the Unofficial Members are not, as they are so often loosely spoken of, in the position of an opposition to that Government. They are an integral part of the legislature of this country. When the Government puts forth its draft Estimates—and I would lay the emphasis on that word “draft”—it is not putting forward a document which has been prepared by one political party with any motives of party politics behind it. It is a case of Government experts preparing the draft Estimates of the expenditure of the country. They have to do the initial hard work because they are paid for doing it. Then they bring the draft Estimates before the House and it is the duty of the House to criticise those Estimates and offer advice. I do not look upon any criticism on those draft Estimates as an attack at all on the Government. The greater the volume of your criticism and

the greater the volume of your advice the more we know that the Unofficial Members are doing their job. I should feel very sorry indeed when the Honourable the Financial Secretary produces Estimates before this House which are accepted without question. I am very grateful indeed, and the Government is also very grateful, for the advice Government has received in finally examining these Estimates.

The Resolution was adopted.

The Hon. the Financial Secretary:

Your Excellency, I rise to move that the Resolution and Order placed before Honourable Members this morning should be substituted for the Resolution and Order which was introduced to this Council at the beginning of this session.

The new Resolution and Order contains the amendments to the original Resolution and Order which have been suggested by the Finance Committee. They are:

That the duty on bicycles be reduced from fifteen per cent *ad valorem* to a specific rate of ten shillings for each bicycle:

That a new duty should be imposed on motor cars and lorries of £5 each vehicle and on motor cycles of £2 each:

That stationery intended for use in educational establishments should obtain exemption from duty.

These suggestions have been embodied in the re-drafted Resolution and Order which, I hope, will now be passed by Honourable Members.

The Hon. the Comptroller of Customs:

I beg to second.

His Excellency:

The question is that the Order as amended be substituted by that proposed by the Honourable the Financial Secretary.

The Resolution and Order was adopted.

The Hon. the Financial Secretary:

Your Excellency I rise to move the following Resolution and Order standing in my name on the Order of the Day:—

Resolution and Order under the Tobacco and Cigarettes Excise Duties Ordinance, 1933 (No. 23 of 1933).

The Hon. the Comptroller of Customs:

I beg to second.

The Resolution and Order was adopted.

BILLS.

(Second and Third Readings.)

THE 1939-40 APPROPRIATION ORDINANCE, 1939.

His Excellency:

The Council will go into Committee to consider the Appropriation Bill clause by clause.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that the First Schedule which has been laid on the table to-day is substituted for that in the original printed edition. This Schedule embodies the recommendations of the Finance Committee's Report.

His Excellency:

Before I put the amendment there is one question arising out of the Estimates which was discussed in Finance Committee. The Honourable Member the Officer Commanding the Troops is unfortunately indisposed and unable to be here himself to-day but he did speak in Finance Committee on the subject of the Territorial Battalion and he gave a rather gloomy picture of recruitment to the rank and file. I am glad to be able to tell Honourable Members that the latest figures are a good deal better. Thirty recruits to the rank and file have passed their medical examination and there are another forty still to be examined who are considered to be fit on other grounds so that the position is a good deal better than represented by the Honourable the Commandant.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that the Second, Third and Fourth Schedules which have been laid on the table to-day be substituted for those in the original Bill.

Amendments to clauses 2, 3, 4 and 5.

The Bill having passed through Committee with various amendments to clauses, the First, Second, Third and Fourth Schedules and the Title, the Council resumed, and on the motion of the Honourable the Financial Secretary, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

THE GOVERNMENT SERVANTS' PROVIDENT FUND ORDINANCE, 1939.

The Hon. the Deputy Financial Secretary:

Your Excellency.—I beg to move that a Bill entitled "An Ordinance to establish a Provident Fund for certain non-pensionable servants of the Government" be read a first time.

I have to explain, Sir, that during the time the Finance Committee has been engaged on the examination of the Estimates it has been possible to overcome all the difficulties which led to the

postponement of this measure at an earlier stage. All the necessary amendments of the Bill have now been drafted by my Honourable and learned friend the Attorney-General and at a later stage I hope to be able to propose that those amendments be incorporated in the Bill.

Provident Fund terms of service are fairly well understood in Nigeria, and no lengthy exposition thereof is necessary, owing to the successful operation of the Nigerian Railway Provident Fund for more than twenty years. It is gratifying to be able to report that the assets of the Fund have this year reached a total exceeding half a million pounds.

In the light of the experience gained in administering this and other similar funds, here and in other Colonies, a model Ordinance has been prepared for the general guidance of Colonial Governments, in order to ensure that all such funds are in future started on a proper basis and managed according to well established principles.

I would like to say, here, Sir, that it is intended, as soon as possible, to bring the administration of the Railway Provident Fund into line with the Model Ordinance.

This Bill, now presented, follows the model closely, and provides for the deduction at the source, from the salaries of depositors, of a deposit equal to one-twentieth part of each month's pay. To this deposit Government is to add an equivalent bonus, and the deposit and bonus thus credited to the account of each individual depositor will accumulate at compound interest at rates to be determined annually. The total amount standing to the credit of a depositor will be payable to him on leaving the Government service on retirement, invaliding, resignation, etc., according to the terms of the Bill.

The terms of the Bill are compulsory only for new appointments to scheduled offices after the Ordinance is brought into force. Employees at present in the service are not to be compelled to become depositors, but they are encouraged to do so, and if they do join they will be privileged to elect to pay arrears of deposits in respect of past service or to increase their deposits for specified periods according to the length of their past services. All additional deposits thus made will be credited to the accounts within the Fund and Government will add an equivalent bonus thereto.

The Bill provides for the repeal of the European Officers Provident Fund Ordinance of 1933. Two separate funds are not required, and in any case, the terms of that Ordinance are now due for revision in the light of the Model Ordinance. Insofar as

the changes thus brought about affect the terms of service, rates of deposit, etc., of persons already in the service of Government, provision is made for the preservation of their existing rights; newcomers will of course be subject to the new Ordinance.

Similarly, this Bill provides for the retention of existing rights of certain employees of the Government Colliery who have hitherto been permitted to contribute to the Railway Provident Fund and who must now become depositors to the Government Provident Fund.

The Fund is to be self contained; interest on investments will provide the only revenue, from which must be met the interest due to individual accounts and the expenses of management.

Financial provision for the bonus which Government has to pay will be made under the Pensions and Gratuities head of the Estimates from year to year. In the draft Estimates submitted to this Council is included a sum of £8,000 for this service: this Estimate can be no more than a wide approximation as it is impossible to know how many employees will join the Fund voluntarily, nor can it be foreseen to what extent they may exercise their option to pay arrears of deposits, but the amount provided is considered reasonable having regard to the possible number of applicants. If it proves insufficient it will show the good business sense of the employees concerned and all Heads of Departments have been asked to explain to their employees the advantages which are open to them on election to become depositors; it will mean also that the Fund will be given a good start, and that I feel sure is the wish of all Honourable Members of this Council even though it would involve additional financial provision.

Your Excellency, I beg to move the first reading of the Bill and to give notice that at a later stage I will move the suspension of Standing Order No. 34 so that the second and third readings may be proceeded with to-day.

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a first time.

SUSPENSION OF STANDING ORDER.

On the motion of the Honourable the Deputy Financial Secretary seconded by the Honourable the Acting Deputy Chief Secretary, Standing Order No. 34 was suspended in order that the Bill which stood in his name and which had been read a first time might be carried through to completion without further notice.

THE COMPANIES INCOME TAX ORDINANCE, 1939.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to impose an income tax upon Companies and to regulate the collection thereof" be read a second time.

I have explained the purpose of this Bill, Sir, in moving the first reading but in view of certain criticisms which have appeared in the Press I think it is desirable that I should add a few words. I should like to quote one particular criticism which has appeared and which reads as follows:—

"For instance, incredible as it may seem, foreign shipping companies trading out here would be exempt from tax if this Model Ordinance becomes law as it stands but British shipping companies would be liable to be taxed".

Then follows a reference to section 13, sub-section (d), after which it says:—

"Nowhere in the Bill is there a section which would make the foreign shipping companies liable to taxation under this Ordinance".

Now, Sir, I have studied the Bill very closely and I can find no grounds whatsoever for the statement in that article. The Bill levies a tax upon all companies carrying on business or having an office or place of business in Nigeria. I do not think there can be any question whatsoever that that includes shipping companies whether foreign or otherwise. The tax on companies is assessed upon the profits or gains made by trading in or with Nigeria but here is a special provision for shipping companies because it will be readily appreciated that it is not a simple matter to assess the profits of those shipping companies. In the case of British shipping companies there is a special formula provided. In the case of foreign shipping companies it is not practicable to apply that same formula and therefore they will be taxed upon an assessment made by the tax authority which assessment will be naturally subject to the ordinary limitations and restrictions imposed in respect of other companies. There is no question whatsoever, and I can see no justification whatsoever for the suggestion, that foreign shipping companies will be exempt whilst British shipping companies will pay.

Another point is mentioned, Sir, in the same article and that is that "all private enterprises and concerns who are not limited liability companies are not liable to this income tax". Again, Sir, I have been unable to trace any particular reference to limited liability companies. It is a question of a company which is registered or trading in or doing business with Nigeria. It is

recognised that an individual operating a big business is not subject to companies' tax. That is inevitable. He is subject to individual tax and some people might regard as a flaw in our legislation the fact that our individual income tax is at a much lower rate. In many countries the individual rate of income tax is higher than the companies. There is no loss to the revenue if an individual trades in his individual capacity instead of as a company. That point is fully realised, and if Honourable Members think that the proper remedy is to impose a very much higher individual tax no doubt they will suggest it.

Finally, Sir, I would repeat the assurance which I gave in connection with the Appropriation Bill that Your Excellency is intending to have this Bill referred to a Select Committee of this Council.

Your Excellency, I beg to move.

The Hon. the Deputy Financial Secretary:

I beg to second.

Bill read a second time.

The Commercial Member for Lagos (The Hon. R. M. Williams):

Your Excellency, I said on the first reading of the Appropriation Bill that the principle of the foreign trade of the country bearing its fair proportion of the country's taxation is not one which has been disputed. Nor am I prepared to dispute that the £120,000 of revenue which this Bill is expected to produce is not unreasonable amount to receive from that foreign trade, but this Bill, as it stands, breaks down in two ways. First, as a matter of equity and, secondly, in point of machinery. In spite of the Honourable the Financial Secretary's explanation just now I am not at all satisfied that it is equitable that the individual trader should get off with one and a half per cent of income tax whereas the companies should be taxed with 2s. 6d. in the pound. That may be all very well for the small trader but in this country we have a very large part of the foreign business of the country carried on by individual traders or by concerns which the ordinary man in the street believes are companies but which in fact are individual traders who are put up as puppets for operation here by foreign companies. I think I am right in saying that the biggest foreign concern in this country is such a concern and I think I am also right in saying that the bulk of the groundnuts have been exported by such concerns. I am afraid that Unofficial Members will be unable to accept the Financial Secretary's somewhat easy conclusion that the present position is satisfactory. The definition in Clause 2 of the Bill can by no possibility be made to cover such

concerns. It could not, I think, even cover a partnership so that we have this country expecting a tax of half a crown on firms operating foreign trade which happen to be registered as companies, whilst those who are not and the individual trader who is carrying on precisely the same type of business gets away with one and a half per cent. Now the Honourable Financial Secretary said and, I think, rightly that this Bill makes practically no difference to the firms trading in Nigeria. That, I believe, is correct when the bulk, if not all, of the income tax can be recovered by British firms, at any rate by the claims allowable for double income tax at home. There are a few companies of course from whom tax will not be immediately recoverable because there are local companies whose profits are not always transferred at once but in the end all that tax will be recovered. Thus the man who is paying this tax is really the British taxpayer and, as I said the other day, I should be ashamed to tell the British taxpayer that I was picking half a crown out of his pockets while all we thought was necessary was to tax ourselves one and a half per cent.

Now with regard to machinery, how are you going to tell the proportion of profits of any firm trading out here in Nigeria? As I think most of us know, the price paid for produce in Nigeria rarely, if ever, shows any profit on world markets at the time and there is no Nigerian profit made on that. If there is any profit or loss that loss is made by the people at home who decide whether or not to carry the produce. That is where the profit is made and it is certainly not profit made in Nigeria. I have no doubt the Honourable the Financial Secretary will tell us that the tax authorities at home are satisfied that such and such is or is not a fair profit in Nigeria. That will satisfy Government so far as the British companies are concerned but what are you going to do with the other foreign companies? I do not think the German companies are affected at all as I believe most of them are of the nature to which I referred before, but the French companies are limited companies. Now, what machinery are you setting up in France to be able to find the amounts of the profits derived from Nigeria? It is of course perfectly easy to work the books in such a way for any firm to show its profits whenever it likes. Is this Government prepared to set up machinery in France and other countries which will give us a fair estimate of those profits—I very much doubt if it could do this. There is also the question of the machinery which is to be set up in Nigeria. You will find in the Appropriation Bill this year no estimate for an increase in the income tax collection. Possibly the Honourable the Financial Secretary will tell us that this £120,000 is the net amount which will be received after Supplementary Estimates have been provided for that machinery. Can that machinery be provided? We have

in Nigeria very little experience of income tax. In Finance Committee the other day the officer in charge of that work told us the way in which he goes about to find out what income is assessable. Well, I think all Honourable Members will admit that the same crude and naive methods in which he at present carries out his work are quite inadequate for the assessment of income tax of large companies operating throughout Nigeria. Income tax cases form one of the most complex matters in commercial law. You find case after case at home going to higher Courts so that knotty points may be settled, and I am quite sure if we are going to be involved in assessment and litigation of this type we are going to require not only a vastly increased staff for income tax collection but a new Bar, a new Bench and the introduction of all sorts of experts into this country. It will be a very good thing for the chartered accountants concerned.

Now I come to another difficulty which is common to the income tax we have at present and that is the difficulty of assessing income in countries where very few concerns keep books of any sort. The Honourable the Financial Secretary may stick to his guns and say we don't care two hoots about the individual trader but I hope he does not get away with that. It is so monstrously unfair. If that adjustment is made to bring in partnerships and individual traders it is going to affect the vast body of traders in Nigeria.

Now income tax has been introduced in various other Colonies from time to time. I myself was in the Straits Settlement when it was introduced as a war measure. The same objections were raised which I am making now and it was admitted that in practice income tax was levied from that section of the community which was on fixed rates of salary. We did not like that at the time but the Government contributed the whole of that tax as a contribution to the expenses of the home Government and it was accepted as such. When Government attempted to use it for other purposes there was an immediate wave of indignation and the tax was swept away. Not only was the tax swept away but the whole skeleton organisation for collection was also swept away. There have been other attempts to introduce income tax. I believe in Kenya it has been introduced and has proved rather more easy to collect than expected. I think the reason for that is that in Kenya income tax is paid by large concerns—chiefly European development concerns—and easily collected. Others are ignored. Here your conditions are very much more primitive. There is no income tax in similar Colonies, such as Uganda and Tanganyika.

Your Excellency has proposed to refer this Bill to a Select Committee and I for one willingly accept that suggestion. I think you will find a Select Committee will gladly co-operate in

attempting to find some alternative methods by which revenue could be raised. It can be raised from the profits of the foreign trade of the country by other methods and I think there is the germ of such an alternative in this Bill and I trust that, as a result of that Committee, we shall be able to find some fair means by which this Bill may be amended or an alternative Bill substituted.

The Hon. the Financial Secretary:

Your Excellency, with regard to the earlier criticism in connection with individuals paying so much less than companies, I can only say, Sir, that the anomaly, if it does exist—and I see no reason to question it—is fully recognised, and Government will welcome any suggestions that may be made by the Select Committee to remedy it. My Honourable friend the Commercial Member for Lagos referred at considerable length to the question of machinery for collection. That point is realised and there is a specific reference to it in the memorandum of the Estimates. I am sure my Honourable friend will realise that it is not practicable at this stage to make detailed financial provision in the Estimates for the cost of collection. Since my Honourable friend referred to the arrangements in certain East African territories I think it is desirable that I should call attention to the fact that in Kenya the specific issue was the introduction of income tax. In Nigeria we already had income tax although it is a new measure to impose this particular form of income tax.

I should like to add that in certain other dependencies in which I have served there is a companies' income tax in a form very similar indeed to the one submitted to this Council and I have had actual experience of its working. At the same time I do not say that the conditions are the same. I recognise the justice of my Honourable friend's suggestion that this country is perhaps more primitive than others and in general it is recognised that there may be circumstances in Nigeria which call for special provision. That being the case I welcome the appointment of a Select Committee and I join with my Honourable friend in hoping that they will find a satisfactory conclusion on the general principle of the collection of tax on companies' profits. I am not sure if my Honourable friend intended to suggest that he considered the tax inequitable. If so, I am afraid I shall have to join issue with him and I think we have a large measure of support from the people of this country on that issue. Subject to that principle I can say with confidence that any amendments which may be suggested by the Select Committee later with a view to the easier and more satisfactory working of the tax will be welcome.

His Excellency:

Before I put the question I wish to refer to one or two of the remarks made by the Honourable the Commercial Member for Lagos. On the first day, discussing the Appropriation Bill, the Honourable Member said something about taking £120,000 out of the pockets of the British taxpayer and giving him a silver bell in exchange. At the time I think we all thought it quite a good little joke on his part, but now it seems that the Honourable Member wishes us to take him seriously. I should like to say that the Government is not in the least ashamed of its action. We *are* taking half a crown out of the pockets of the British taxpayer, but it is a half crown which belongs to Nigeria and which we have unfortunately in past years allowed the British taxpayer to keep. The British Treasury fully realise that that is the true state of affairs. I have some experience of the introduction of measures of this sort in other Colonies and I know of no case where the Treasury has resisted the introduction of such a tax because it would, in effect, come from the British Exchequer. The position is fully recognised by the British Treasury, and I believe it would be acknowledged by the British taxpayer. If the Government has anything to be ashamed of it is that we have allowed this sum of £120,000 to remain in the pockets of the British taxpayer for so long.

The second point to which the Honourable Member drew attention is the inequality between the position of the large private trader and the company. It is quite true that there is a discrepancy, and if any means can be suggested to bring the private trader within our net we shall be glad to do so; but if the Honourable Member means seriously to suggest that because we cannot bring the large private trader within our net we should refrain from taking our just dues from the companies I do not think many people in this House, or outside it, will agree with him.

The third point to which the Honourable Member referred was against income tax generally and he spoke of the withdrawal of the income tax in Malaya when it was suggested that the receipts should no longer go as a contribution to Imperial Defence. I should like Honourable Members to realise that the income of the Government from taxation in Malaya is 39s. 6d. per head of the population whereas in Nigeria it is 5s. 10d. per head. There is a big difference between the circumstances of the two countries.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that this Bill be referred to a Select Committee of this Council.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

The motion was adopted unanimously.

His Excellency:

The Bill is referred to a Select Committee which will consist of the following Honourable Members:—

- The Honourable the Attorney-General
- The Honourable the Financial Secretary
- The Honourable the Member for Egba Division
- The Honourable the First Lagos Member
- The Honourable the Shipping Member
- The Honourable the Banking Member.

THE COLONY TAXATION (AMENDMENT) ORDINANCE, 1939.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Colony Taxation Ordinance, 1937" be read a second time.

The Hon. the Deputy Financial Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

Clause 9.

The Hon. the Financial Secretary:

I beg to move that the Bill be amended by the deletion of clause 9 and the consequential renumbering of clause 10 as clause 9.

The Member for the Egba Division (The Hon. A. Alakija):

Your Excellency, when I found this Bill on my table on Monday last week I must confess that I was furious and I thought the best thing was to fight against it tooth and nail. I was angry for two reasons—one was because I thought this Bill had been labelled "Urgent" whilst it must have been under the consideration of the Financial Secretary for a long time and it was a Bill to which Government should have drawn the notice of the Unofficial Members so that the feelings of the country might be

known. Secondly, I thought that a Bill like this which involves the taxpayer in an additional tax of half per cent and which also affects all classes of people, for instance, the non-native female section, should have been brought to our notice in time and, at any rate, publication of the Bill should have been made. When the Honourable the Financial Secretary moved the second reading of the Appropriation Bill I criticised Government expenditure and I pointed out that I did not think the increase in income tax was necessary. I also hinted that it was sure to meet with strong opposition when the Bill is read. At the Committee stage of the Appropriation Bill, as I have said, we went through the revenue budget, we criticised the expenditure and came to the conclusion which I mentioned when I spoke early this morning. Now, Sir, the duty of Unofficial Members, as Your Excellency said this morning, is not merely to come here and oppose blindly any Government measure. We are part and parcel of the Government and I believe that our duty is to sternly criticise any measure when it is necessary and at all times to co-operate with the Government. In spite of all that we have seen in the Finance Committee I feel I must let Your Excellency know that the times are really hard for the people of this country. The times are hard for everybody. It is true there is a noticeable increase in savings bank deposits. The Honourable the First Lagos Member attributed this fact to one thing and the Honourable the Banking Member said it was due to another thing but whatever they both may mean my own idea is that this increase at any rate, in my opinion, is due to the fact that trade is very bad in the country to-day. Those paltry sums of money which people were using in buying goods for sale are now kept in the Bank because they would rather get their two per cent or two and a half per cent interest than run the risk of buying goods and reselling them at a loss. A tin of oil is now sold for tenpence. So the people are now keeping their money and looking forward to prosperous times. I have in mind also the poor European missionaries, particularly the female class who are receiving small allowances and who will have to be faced with this income tax but what is the remedy? Your Excellency has said in your address at the last year's Budget Session that you do not like retrenchment and I agree with Your Excellency that it would be better to pay a little more tax than to retrench officers from the service. We want money—there is no doubt about that. The Honourable the Unofficial Members of this Council have found the necessity for more money—things are bad generally and the situation is very gloomy. The only conclusion at which I can arrive at this moment is that the money must be found somewhere. Now, Sir, Government might be faced at any time with the possibility of increasing the present taxation and I hope things will not be more serious than at present but I would ask, Sir, that before any more imposition of taxation is

made on the people of Nigeria the Unofficial Members should be taken into confidence and some notice given by Government; in the meantime however I can come to no other conclusion than that this money must be found. I could have moved that one and a quarter per cent should be imposed instead of one and a half per cent but that will not help the situation. Reluctant therefore though I feel, Your Excellency, I must support this Bill as it stands and I do hope taking everything into consideration the Bill will be supported by the majority of the members on the Unofficial side.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency, I find it difficult to understand why this Bill has been made a secret until we got here. As a matter of fact, this has rendered the position of the Unofficial Members of this Council very difficult.

The Bill to which this amendment relates was published for a long time before it became law and to me it appears that the non-publication of this amendment could hardly be justified. However, the amendment has been made a secret and I do not intend to question Your Excellency's prerogative. Your Excellency has given your fiat that the Bill should come in as an urgency measure. There are one or two things I would like to point out. First and foremost, the Honourable the Member for the Egba Division has already told us, and I think most of the Unofficial Members agree, that the people in this country, especially in Lagos are hard hit.

The people of Lagos are shortly to be faced with increased municipal rates. Later, the Town Council will likely raise a loan and, as a result, the increased rates now contemplated will be further increased. Already there is unemployment in the country which has necessitated some parents withdrawing their children from school while there are many other parents who have hanging on them children who should have been working and assisting them.

There is also the question of rents in Lagos. Rents are unduly high and with the contemplated increase in municipal rates will become higher still; and, added to this, there is to be this increased tax. I am sure the ability of the people to pay will be very severely taxed.

Now, taking this Bill and the Non-Natives Income Tax (Protectorate) Bill together, what do we expect to get? We expect to realise an increase of £20,000, whereas the total deficit, as estimated in the Draft Estimates, is £467,000. Your Excellency, I do not think we are here to oppose Government unreasonably but I am appealing to Government to consider whether this increase is justified in the present circumstances.

The impending deficit is the result of the expenditure to be incurred in respect of the administration of the whole of Nigeria. To meet this deficit, the people of Lagos and non-natives only are to be taxed. I consider, Your Excellency, that in fairness (I should not like to use the word "equity") this deficit should be spread evenly throughout Nigeria. Government has, so far, not put forward any proposals as to how all Africans in the Protectorate are to assist in bridging this gulf. It has been said that it was proposed that this increase in taxation should fall upon the wealthier Africans but are there no wealthier Africans in the Protectorate who could be taxed also?

The amount estimated to be raised by this increase in tax is infinitesimal; it is only one-twenty-third of the deficit and can hardly help much in assisting to fill the gap.

What I feel about the whole matter is that the Bill should not be proceeded with at this stage. I submit that the people in Lagos, that is the taxpayers are not in a position to meet this tax without undue hardship. I quite agree that we are to co-operate with Government, but it is our duty as well to say what we think would bring hardship on the people and that is what I am saying now. May I also say that I realise that money is wanted but I realise too, as Your Excellency, has observed, that our balances can stand a considerable further inroad and I would ask that, while Government is thinking of a proposal which will embrace the whole of Nigeria in contributing something by way of tax towards this deficit in our budget, these balances should be drawn upon.

Your Excellency, I beg to amend that this Bill be not read a second time until this day six months.

The Third Lagos Member (The Hon. O. Alakija):

Your Excellency, I am supporting the Honourable Member in this amendment. You will remember, Sir, that I made reference to this Bill on the second reading of the Appropriation Bill. I am afraid that in this country, and more particularly in Lagos, the people are heavily in debt and cannot afford to pay income tax. It is even hard for them to pay one per cent. I often happen to be in Court and if you ask the Tax Officer he will let Your Excellency know the number of people brought to Court for failure to pay

is so necessary but what I deplore is that the people should be called upon to pay this income tax. I support the Honourable the First Lagos Member but, Your Excellency, I do not share the views of the Honourable the Member for the Egba Division.

The Second Lagos Member (The Hon. Dr. K. A. Abayomi):

Your Excellency, a lot of ground has been covered by the two previous speakers concerning the actual difficulties in paying income tax in Lagos. At this stage I would not like to reiterate what the two Honourable Members have said but I would like to emphasise one point, that is, that there is a lot of strain in paying even one per cent and I feel sure that if that one per cent were increased to one and a half per cent the people would be overburdened and I think a lot of difficulties would arise. I fully support the two previous speakers, both the First and Third Lagos Members, as far as this Bill is concerned. At this stage no increase whatsoever should be considered because we are already overburdened. In supporting this amendment I would like to know, Your Excellency, what is meant by non-native females. I would like to know, Sir, whether non-native females include a female from the sister Colonies. It is very difficult to know what is the exact definition and if the amendment passes through we would like that point to be clarified. I fully support the two previous speakers that the tax should not be increased to one and a half per cent.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Your Excellency, I rise to speak against the amendment for the simple reason that the Bill which is to follow this deals with the Protectorate income tax and the arguments will be the same. It is not that I am in favour of the half per cent additional tax. Nobody likes to pay income tax but the position as I view it is that the Honourable the Unofficial Members have gone to the Finance Committee, they have considered the Estimates of expenditure with the Honourable the Financial Secretary and we have agreed upon the expenditure and in agreeing upon that expenditure we took into consideration the fact that the income tax Bill will be coming up whereby Government will get money to meet the expenditure upon which we are agreed. Now after we have done that how could we come to this House and say that the machinery by which we are going to meet this expenditure should not be allowed. In other words, it boils down to this—that it is necessary that a man should go to Apapa. We agree that there is no other conveyance and that the man could only get there by swimming. We then tie his hands and say “Now, swim over to Apapa”.

Honourable friend the Member for the Rivers Division has in fact replied to this criticism since it is established practice that the Budget shall be dealt with as a whole. At the same time I do not mean to say we should be hidebound by tradition and never give away any of the Budget secrets, but in this particular case it was not practicable. Our Budget involved a great deal of work and we could not have been in a position to give any lengthy period for consideration of this Bill but I am sure that, whenever practicable, Honourable Members will be given such opportunity.

My Honourable friend the First Lagos Member referred to expenses incurred by people who live in Lagos and particularly in regard to rates. I venture to suggest that those are not really relevant to the issue. I have no doubt that to the individual they are very live issues and that he has to consider his expenses as a whole but one must not overlook the fact that the rates charged by the Lagos Town Council are municipal rates in respect of which the individual does get a number of amenities and services and that it cannot be argued that because he has to pay a certain amount of municipal taxation he should therefore be relieved of an obligation to pay State taxation.

My Honourable friend, the Attorney-General, has already explained that this measure of taxation is not confined to the Colony and the next Bill which stands in my name is that dealing with non-natives in the Protectorate. In addition I think I am correct in stating that natives in the Protectorate are also assessed under another Ordinance—the Native Revenue Ordinance.

There have been several references to the taxation of females. I would therefore like to emphasise the fact that in the ordinary course of events under these two Bills women are exempt up to the figure of £50. It is only in the case of women who have incomes of their own and whose income is derived from, or accrues in, Nigeria that there will be an income subject to taxation. I should also like to stress the fact that the minimum income chargeable has not been increased. I mention this particularly because my Honourable friend the Third Lagos Member referred to a number of cases which came before the Courts which had been brought there by the Tax Officer. I am not in a position to state one by one what those cases were but I am confident that the majority, if not all of them, will be entirely unaffected by this Bill. There is no increase whatever in the minimum rate charged.

I heard with great appreciation, Sir, the views expressed by my Honourable friend the Member for the Egba Division because I was aware that he and possibly other Honourable Members were originally contemplating wholehearted opposition to this Bill and

in contributing something by way of
budget, these balances should be drawn upon.

Your Excellency, I beg to amend that this Bill be not read a second time until this day six months.

The Third Lagos Member (The Hon. O. Alakija):

...ing the Honourable Member in

it is with great appreciation that I have heard the views which he now expresses. We all deprecate the need for extra taxation. We should all like to see no taxation whatsoever but we cannot avoid it and, in the bad times through which we are now passing, the necessity for increasing our revenue is urgent and I feel sure that the slight increase imposed here will not operate with undue severity. I would take this opportunity of reminding Honourable Members that there is a clause providing for exemption in the case of poverty or other good cause and I know from actual discussions which I have had with the Tax Officer that that clause is invoked without hesitation in cases of real hardship. I am convinced that this measure is in the interests of the country and much as I dislike the idea of increased taxation I feel that as a whole it is a sound measure.

Council in Committee.

Clause 9.

The Hon. the Financial Secretary:

Your Excellency, I beg to move that this clause be deleted. The reason for this proposed amendment is that this clause refers to the Companies Income Tax Bill and as that Bill is being referred to the Select Committee this will not be necessary at the moment; but when the other Bill is proceeded with it will be necessary to prepare an amending Bill to incorporate this. At the moment, however, it would not serve any purpose.

His Excellency:

The question is that clause 9 be struck out.

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Financial Secretary, seconded by the Honourable the Deputy Financial Secretary, the Bill was read a third time and passed.

THE NON-NATIVES INCOME TAX (PROTECTORATE) (AMENDMENT)
ORDINANCE, 1939.

The Hon. the Financial Secretary:

I beg to move that a Bill entitled "An Ordinance to amend the Non-Natives Income Tax (Protectorate) Ordinance, 1931," be read a second time.

The Hon. the Deputy Financial Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

His Excellency:

The question is that clause 2 be amended by calling it clause 2 (1) and adding thereto a further sub-section 2 which is the same as the last words to the proviso of sub-section (4).

*Clause 2.***The Member for the Egba Division (The Hon. A. Alakija):**

With reference to sub-section (3) "or married to a native of Nigeria", I would point out that a woman who is married to a man takes the nationality of the man and there is no provision there, for instance, for a West Indian or Frenchman.

The Hon. the Attorney-General:

This is a definition of a native of Nigeria and the point is that a native of Nigeria is only a person born in Nigeria and whose parents ordinarily reside here or who have received in Nigeria a certificate of naturalisation.

The Member for the Egba Division (The Hon. A. Alakija):

What is the position of a native of Nigeria married to a foreigner? Will she not become a native of Nigeria?

The Hon. the Attorney-General:

That could not possibly make her a native of Nigeria—it might make her a British subject. She might be a British subject living in Nigeria married to a native of Nigeria.

The Member for the Egba Division (The Hon. A. Alakija):

The point I am stressing, Sir, is that of a native of Nigeria: A British subject married to a West African takes the nationality of her husband.

His Excellency:

But she does not necessarily become a native of Nigeria. Is the Honourable Member suggesting that the people who are not natives of Nigeria should be deemed to be natives of Nigeria?

The Member for the Egba Division (The Hon. A. Alakija):

By law she should take the nationality of her husband.

His Excellency:

There is some confusion between the words "native" and "nationality". A man may be a native of Italy and at the same time by naturalisation a British subject but that does not make him a native of Nigeria.

The Commercial Member for Lagos (The Hon. R. M. Williams):

I think the Honourable Member is possibly right. You are doing something exactly parallel to clause 4 (e).

His Excellency:

I think the Honourable Member's wishes will be met by the addition to clause 4 (e) of the words "or wife" of a native of Nigeria. Whether it could be accepted or not will be another matter. We cannot convert into a native of Nigeria by any process a person who is not a native of Nigeria and the Honourable Member's objection is not relevant to clause 2 (3). We shall discuss it as it will come in later as part of clause (4).

The Member for the Egba Division (The Hon. A. Alakija):

I move that an additional clause (f) be added saying "a native of Nigeria and his wife".

The Hon. the Attorney-General:

The amendment, I understand, is that a wife of a man in Nigeria cannot in any circumstances be kept out of Nigeria. I am afraid that is an amendment which is so wide that there are other matters affecting it which I think Government must consider. I will give an example because it is an example which exists all over the world. I think this Ordinance is based on the same principles throughout the whole of the West Coast of Africa and therefore we should not divert from those principles: but the main principle is the fact that under the plea of marriage in every country prostitutes of that country, would by simply going through a form of marriage with a man of another country, be able to go to that other country. By going through a form of marriage which neither of them ever intend to look upon as anything more than a means of evading the Immigration Ordinance: they will be able to enter the country. I think Honourable Members can rest assured that any person married to a Nigerian who comes to Nigeria—if she is a woman who behaves herself in Nigeria—will not be kept out of Nigeria in any way but we should get a most undesirable class of woman coming here if we made the suggested amendment law.

His Excellency:

I think that is a point which has not occurred to the Honourable Member but it is a very real one.

The Member for the Egba Division (The Hon. A. Alakija):

It did not occur to me that a Nigerian would go to England and marry a prostitute who would come out just to prostitute in Nigeria.

The Hon. the Attorney-General:

But the fact remains that if we open that door we cannot keep them out.

The Bill having passed through Committee with four amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

THE DEPORTATION ORDINANCE, 1939.**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second reading of a Bill entitled "An Ordinance to regulate the deportation of undesirable persons and for similar purposes".

When I moved the first reading of this Bill, Sir, I mentioned that there were certain amendments to be made. The particular section to which I would refer is clause 8 (2). That provides that the Judge shall not be bound by the rules affecting the admissibility of evidence in legal proceedings and may in his discretion accept and act upon less than legal evidence. Further consideration in which Your Excellency has taken an active part has shown that that sub-section is too wide and that all that is essential is that the Judge may take evidence of repute which might be inadmissible in ordinary criminal cases and for that reason, Sir, I am going to move that that sub-section be deleted and a new sub-section substituted.

I will explain the reasons for this when we come to the Committee stage.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

The Member for the Egba Division (The Hon. A. Alakija):

May it please Your Excellency: At the Committee stage I shall move the deletion from this Bill of the clauses which affect the people of Nigeria—clauses 4 and 5—I am saying this in all seriousness, Sir, because I am yet to know that a free man in a free country under the British flag should not remain in certain areas

in his own country, however truculent or troublesome that man may be. It can truly be said, Sir, that we are having under this Ordinance what I regard as German rule. It will be said by the Honourable the Attorney-General with whom I have had a lot of talk over this Ordinance that for twenty-five years or more we have been governed by this same Ordinance under the Criminal Code, but the Criminal Code amendment is the next Bill and I take it that this iniquitous clause is to be removed from the Criminal Code. In any case, Sir, we are not responsible for the actions of our brothers who had gone before us and the men of old who sat in this Council. I understand that the Criminal Code was passed in the Nigerian Council. Whether that was so or not I do not know. That provision in the Ordinance has remained dormant and silent and it is hardly used but now that we have the opportunity I am asking Your Excellency in all seriousness that all Nigerians should be excluded from the provision of this Ordinance. It must be a weak Government which will confess to its inability to deal with troublesome men in certain areas under its rule. A man who commits an offence should be dealt with, warned and imprisoned if necessary. If he goes to prison and he comes out a troublesome man he should be sent there again and if necessary kept perpetually there until he purges his contempt. If a man is removed say from Ilorin where he has settled with his family and where he tills the land and gets his income and sent to say Abeokuta who is going to be responsible for his children? There is no provision that he will be allowed certain income whereby he will be able to upkeep his family. He may have ten or twelve children, and in that area where he is a stranger he will have to make provision for himself and his family. It is a very hard lot indeed. How can an Essex man who commits a crime be sent to York. He will be dealt with in his own place and kept within the four walls of the prisons. I emphasise that the same principle be applied in Nigeria. I am told, Sir, that this is a necessary law and that the movement of a Nigerian who is giving trouble should be restricted. As I said before, Sir, I am sure Your Excellency would not confess to the weakness of the Government to try persons under the law in that regard. I am saying in all seriousness that the learned Attorney-General has not been able to convince me of the necessity why Nigerians should be included in this law. Formerly Nigerians could be driven from this country into another country, but I submit, Sir, that it is unjust and it is not right. I understand that being under the British flag you are a free man. This was illustrated some years ago in England when a movement was made by a certain students who asked for certain West Africans students to be sent back to their homes because they have no means of livelihood and they were told that England is a free country. If Nigerians cannot be sent away from England why should they be

sent away from their own country. Now I know we have few people who are troublesome to the administration. I will support any law however severe which may be applied in a Court of Law to punish such people. Until Government can make provision whereby people who are sent away from their country can be supported along with their family, I feel I must oppose this Bill. I know, Your Excellency, that this law is not put into operation except in extreme cases but I would like to see that it is removed entirely so that Nigerians will not feel that they are treated indifferently. Nigerians should feel that they are under the aegis of Great Britain and are free in their own country.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

Your Excellency: In the case of the Stamp Duties Ordinance, the Honourable the Attorney-General shows minutely upon what sections of the Laws of England that Ordinance was based but in the case of this Bill restricting the movement of the natives of Nigeria the Honourable the Attorney-General does not show us upon what sections of the Laws of England the Ordinance before this House is based. Sir, it is a reflection upon the unstinted loyalty of the people of Nigeria. Some time ago when rumours filtered through that this country might be traded away with Germany Your Excellency will remember how throughout Nigeria expressions were given to show their disapproval which I take, Sir, is an index of the unstinted loyalty of the people of Nigeria, and, Sir, it will be a reflection on that loyalty to know that the natives of Nigeria do not feel themselves enjoying the same privileges and rights as Englishmen are enjoying in their own country. It also in operation leads to slow death. Why cannot we be humane in our legislation? You take a man say from Ibadan and transport him to Shakki where conditions are different to what obtain in Ibadan. He is being sent to live among rocks, in a country not as congenial as where he used to live. One man lived a short time in exile and succumbed to sufferings; another pined away and was only allowed to return to his town to die. I support the Honourable the Member for Egba Division. I am surprised to see that such legislation was allowed to pass by our predecessors; the Bill had remained dormant on the statute book; I do not see the reason why it should be resuscitated. It should be allowed to die a natural death.

The Third Lagos Member (The Hon. O. Alakija):

Your Excellency: I rise to support the Honourable the Member for Egba Division. Since reading this Bill I have been much exercised in my mind as to whether the inhabitants of this Colony are British subjects. Unless I am to understand that there is a difference between a British subject residing in a primitive state and a British subject in England I must still oppose clauses 4 and 5

in the Deportation Bill before this House. There is hardly any necessity why a man, a native of this country, and a British subject, should not be allowed to remain in his own country however hideous the crime. If he commits murder he goes to the gallows. If he commits an offence which is detrimental to the peace and good government of the country, the prison is there. Will the Honourable, the Attorney-General inform this House whether any British Government in Great Britain would ever bring before Parliament a Bill to restrict the rights of British subjects? Can a British subject in England be informed that he will be sent elsewhere if his behaviour does not tend to the good order of the country. Your Excellency is well aware that British subject in Great Britain have a good deal of latitude. Your Excellency would remember some years ago the case of Mr. John Burns, who was sent to prison in connection with the Charing Cross riot. He came back and he became the President of the Board of Trade and a Privy Councillor. He was never deported.

Your Excellency would also remember the case of Mrs. S. Pankhurst and Mr. Petrick Lawrence who were sent to prison in connection with the Suffragettes Movement. They were not deprived of their liberty; on the contrary Mr. Petrick Lawrence later became the Financial Secretary to the Treasury in the Labour Government. I am only bringing all these facts to the notice of Your Excellency and Honourable Members, and if these two clauses are removed, *i.e.*, clauses 4 and 5 there will be no opposition whatsoever, and that is the reason why I ask the Honourable, the Attorney-General whether if he were the Attorney-General in England he would introduce such a Bill.

Your Excellency, I should like to make myself clearer and to be more convincing. Over the Home Rule Bill Agitation in Great Britain there was a suggested round table conference in which leaders of all parties were present. They failed to reach an agreement and Sir Edward Carson, Leader of Ulster Unionists, who was present said that he was proceeding to Ireland to raise army in order to resist this Bill. He got to Ireland, received an enthusiastic welcome and did raise an army to fight in defence of the Loyalists of Ulster against Home Rule. He was not prosecuted; his movements were not restricted. On the contrary he became Lord of Appeal in Ordinary and his Lieutenant, Mr. F. E. Smith, became the Lord High Chancellor and the first Earl of Birkenhead. Had it been here he would have been sent to a place where he would linger until he goes to the grave. I am supporting the Honourable the Member for Egba that the clauses referred to should be deleted and that if they are not deleted they should be amended so as to read that they will not include natives of Nigeria.

Council adjourned at 12.30 p.m. and resumed at 2.30 p.m.

The Hon. the Chief Secretary to the Government:

Sir, as the Honourable the Attorney-General pointed out when he introduced this measure it makes provision for three kinds of Order—a Deportation Order which means that the person affected must quit the country, a Restriction Order which means that the affected person can remain in the country but his movements are restricted, and, thirdly, a Security Order which means that the person's movements are not restricted in any way whatsoever but he is obliged to give security with sureties for his good behaviour. So long as he behaves himself he can go anywhere he likes in Nigeria.

As regards the Deportation Order I gather from the comments of Honourable Members that they have no objection to that part of the Bill. Deportation legislation of course exists in every country of the world and I suggest to the House that it is obviously necessary that we should have it. As was mentioned by the Honourable Member for the Egba Division this morning, it is the case that until 1937, I think Deportation Orders could be made against Nigerians but we have gone one step further than that, and it is impossible now to make a Deportation Order against any native of Nigeria, but, as I said, Sir, I gather that the House has no objection to that part of the legislation which deals with Deportation Orders and I need not refer further to it.

It is with regard to the Restriction and Security Orders that serious objection has been raised by certain Members of the House. So far as I can see, their objections were three: firstly, that Restriction and Security Orders could be made against a native of Nigeria; and secondly, that legislation of this kind interferes seriously with the liberty of the subject; but I think their strongest objection, if I heard their remarks correctly, was a fear that the powers which this law confers would be abused. Now, Sir, as has been pointed out there is nothing new in this Bill as regards Restriction and Security Orders. It is in the law of Nigeria at present and the question for our consideration is this—whether we have yet arrived at the stage where we can dispense with powers of this kind. It is true, as Honourable Members have pointed out, that no such powers exist in England but Nigeria is not England nor are the conditions the same. I do not think, Sir, that anybody would be so bold as to suggest that there is not, or may not be, in Nigeria the type of person described in this Ordinance as an undesirable person although he may be a Nigerian. When we say the law will apply to natives of Nigeria we mean of course that it will only apply to such of our people who are undesirable persons as defined in the law namely persons who are, or have been conducting themselves so as to be, a danger to peace, good order or good government. No other person

can be classified as an undesirable person but I suggest we cannot at this stage ignore the fact that there might be such a person in Nigeria and the question arises whether, if we have not these powers, a very great deal of harm might not be done by such a person before we could bring him to book. It is a question for our consideration whether in the interests of the law-abiding inhabitants of this country we should not have those powers which the Bill provides.

The Honourable the Member for the Egba Division suggested, if I heard him rightly, that the proper course was to imprison the man if he was guilty and that he would not object to very severe punishment in that form; but I would suggest to the Honourable Member that his method is much more drastic interference with the liberty of the subject than is the use of the powers under this Ordinance, which do not go so far as to confine the man within prison walls.

Now I come to the last point, namely, the fear that there will be an abuse of these powers and I can quite understand an objection being raised on that score. It is all very well to say that we know a particular officer is a good man and will not abuse his powers but we are never quite sure that someone will come along and be too eager to exercise those drastic powers. But I do not think the Honourable Member need have any cause for alarm that there will be any abuse of the powers conferred by the Ordinance. I would remind Honourable Members that before any Restriction Order or Security Order can be made there must be, under the provisions of the Bill, in the first place, a judicial inquiry. That is the first step. The findings of that inquiry must be confirmed by the Governor-in-Council and they cannot take effect until the Governor-in-Council has confirmed them. That is the second step. There is still a further safeguard. Every Order which may be made under this law must be reported to the Secretary of State for the Colonies. That, I suggest, provides a third safeguard and I do not think any Honourable Member need have any fear that the powers conferred under the Ordinance will be abused.

Now, Sir, as I have said there is no change in the law existing and so far as abuse of these powers is concerned we might consider whether they have been abused in the past. Well, so far as I have been able to ascertain, it is only on rare occasions during recent years that these powers have been used and, so far as I can gather, there has never been any suggestion that when they have been used they have been wrongly used. It is possible, Sir, that the particular clause which relates to the Restriction Order is a little drastic in that it would allow the confinement of a person to a particular spot in Nigeria and I think that Government would

His Honour the Chief Commissioner, Northern Provinces:

Your Excellency, I think we may say that every Member of this House agrees with the general principle enunciated by the Honourable Member for the Egba Division regarding people who fail as individuals and as members of Society. In our every day acts we restrict the liberty of other people and when this general principle is enunciated we must get down to particular acts and use those as a touchstone. Now the Honourable Member for the Oyo Division began to do that but he confined himself to the assumption that the reason of the necessity for having power to restrict the movement of certain persons was political. So far as the Northern Provinces are concerned I know of no instance in the past and can conceive of no instance in the future where political influence will involve an Order being made in this Ordinance to restrict the liberty of an individual; but there are cases where it becomes particularly necessary, not because of any opposition to Government nor because an individual wishes to exercise his right of criticism or inaugurate or initiate any new movement but because conditions are such that human life and human suffering would be involved if we have to wait until the moment when we can act in Court. It is however generally known at certain stages of development that members of some of the largest religions in the world become so enthusiastic that they later become fanatics. Now to be a fanatic is in itself not an offence but unfortunately it frequently happens that a fanatic is unable to keep to himself. He feels it so necessary to incite other persons that he presses his views on those persons who are of his own religion—frequently very ignorant persons susceptible of religious influence—until it is certain that the result of the fanatic's actions is going to mean an outbreak. Now that outbreak is not directed against the Government at all. It may be directed against the persons of his own religion, and at the moment there is one person against whom this Order has been made in the Northern Provinces several years ago and this is still in force. Now in that particular case, had we waited until there was sufficient evidence to justify prosecution in Court, it is absolutely certain that human lives would have been lost and human suffering incurred, and there would have been considerable interference to the trade and prosperity of the part of the country concerned. I cannot believe that any Member would say that the Government is weak in taking powers to prevent that happening or to suggest that we should allow a man who is not a lunatic but is a fanatic to cause such suffering to people of his own religion and nationality. If any alternative proposal could be made, I am sure we would welcome it but it could only be made under the Criminal Code Ordinance and nobody would suggest that a Court is to accept a mere statement by a Chief Commissioner or a Resident that a

person should be restrained. That would not be sufficient for him to incur imprisonment but the knowledge that the fanatic is almost certain to cause that suffering is sufficient to justify his removal from the place where he lives and that would mean in some cases that he and his adherents would be protected by that action from damage to themselves and their own religion. With regard to the question of hardship which would be involved by removing such a person it is suggested that he will die rapidly in his new surroundings. The case which I had in mind was that of a person getting advanced in years and in completely good health showing no signs of deterioration in his health by reason of his remaining in a different place from where he originally resided. It must be remembered that those who have to deal with such cases are not persons who wish to cause hardship. We are all human and we do try in making the Order to see that a person of that sort is restricted to a place where he can live in reasonable comfort with his family and where he has an opportunity of earning his living as easily as he could in his original surroundings.

His Excellency:

As all Honourable Members are aware, this Bill, as the Honourable the Attorney-General told us, is merely putting into a more comprehensive and administrable state the existing law. The discussion on it has given Members an opportunity of saying that they dislike the existing law but they have not been able to convince Government so far that the existing law has worked inequitably. Nevertheless, there appears to be strong unofficial opposition to this Bill and therefore my intention is that Government shall withdraw this Bill for further consideration of the points which have been raised by Honourable Members; but I would like Honourable Members to take one point into consideration. It has been said quite truthfully that no provisions of this nature exist in England, but Nigeria is not England. There is in Nigeria an exceedingly large body of illiterate and ill-informed persons and it is very much more easy in a country with a large body of illiterate and ill-informed persons for an undesirable person to reach the stage of being dangerous to peace, good order and good government or public morals without putting himself within the reach of the law than it is in a country where the general standard of education is higher. That is a point I would like Honourable Members to take into consideration. The Bill will be withdrawn; the Government will consider it further and in considering it will certainly have to take into account the views of native authorities who are the persons who would be most concerned in a measure of this kind. If the Government having reviewed the situation still considers it desirable that the existing provisions of the law should

On page 75 under the heading "Loan Capital" there is a standard rate of 2s. 6d. per £100 and on page 82 you have got a 5s. duty per £100 on debentures. Now this is not clear to me. What is the position here?

The Hon. the Attorney-General:

I was going to refer to those figures myself but I have been saved that trouble because there is no doubt that on the face of it stamp duty on the registration of companies has been increased from 5s. to 10s. but there have been several reductions given in exchange.

If the company wishes to increase its loan capital it has normally got to pay 5s. per £100. There are many sections here, Sir, dealing with the amalgamation and reorganisation of companies and they all follow the principles of the comparatively recent Finance Acts in England by which they sought to give relief from duty under the Stamp Duties Ordinance. Actually although the original duty has been increased from 5s. to 10s., there are other provisions, Sir, which will in the case of any amalgamation or any reorganisation mean their paying less stamp duty than they would have paid before.

As regards the actual operation of those sections, Sir, they are extremely long and complicated and it is very hard to say how they work unless details are given but I can say that the most modern principles of companies' relief from stamp duties in England are included in this Bill and we know that tremendous relief was given to companies to enable them to get through difficult times without paying high stamp duties. In the case of debenture the duty will be 2s. 6d. only not 5s. In some cases the duty is actually only 2s.

His Excellency:

The Honourable Member might refer to section 99 sub-section 5, the definition of Loan Capital.

The Commercial Member for Lagos (The Hon. R. M. Williams):

Does that satisfy us that there is a special duty on debentures. On page 82 loan capital is defined as a debenture.

His Excellency:

That is only for the purpose of sections 99 and 100.

The Commercial Member for Lagos (The Hon. R. M. Williams):

In fact debenture is loan capital.

His Excellency:

No, I take it that it is not so—for the purposes of sections 99 and 100.

The Hon. the Attorney-General:

I ought perhaps to mention that we are giving the same amount of relief although the taxation in England is double what it is here. We are giving the same amount of relief although we are only asking for half the original duty.

The Commercial Member for Lagos (The Hon. R. M. Williams):

I am afraid, Sir, I cannot agree that the alteration from 5s. to 10s. provides an increased stamp duty on the original capital of that company. It is hardly right to say that stamp duty should be doubled.

I beg to move that for 10s. the amount of 5s. should be substituted.

His Excellency:

The question is that on page 75 under the heading "Capital Duty" the figures 5s. should be substituted for the figures 10s.

The amendment was rejected.

The Bill having passed through Committee with an amendment to one clause and several amendments to the Schedule, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

THE STAMPS (DEMONETISATION) (AMENDMENT) ORDINANCE, 1939.

The Hon. the Attorney-General:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Stamps (Demonetisation) Ordinance" be read a second time.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

Clause 1.

The Hon. the Attorney-General:

The necessity for the same amendment in clause 1 arises in this case as in the last Bill.

His Excellency:

The question is that in clause 1 the words " 1st day of April " be substituted for the words " 31st day of March ".

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

THE GOVERNMENT SERVANTS' PROVIDENT FUND ORDINANCE, 1939.

The Hon. the Deputy Financial Secretary:

Your Excellency, I beg to move the second reading of a Bill entitled " An Ordinance to establish a Provident Fund for certain non-pensionable Servants of the Government."

I have a number of amendments to propose in Committee none of which affect the principles of the Bill but I would say, Sir, that the alterations in the Schedule are such as will provide that the Schedule of the Bill now includes all posts provided for in the Estimates which are non-pensionable. In the course of preparation of the Bill a few omissions occurred but I can now say that the Bill provides for all the established non-pensionable servants of Government.

The Hon. the Acting Deputy Chief Secretary:

I beg to second.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Does that definition cover policemen and prison warders?

The Hon. the Deputy Financial Secretary:

Prison warders are included in the Schedule; but as the Police are paid at daily rates they are excluded by the terms of clause 2 of the Bill.

The Member for the Egba Division (The Hon. A. Alakija):

This Bill has not come forward too soon because I know many members of the Government Service who are not on a pensionable basis. Some of them were engaged in the office of the Lagos Executive Development Board. I know many of them were trained technically there for several years and finally they found they had no pension or gratuity to look forward to so eventually they had to seek employment elsewhere of a junior character. I myself have a nephew who was trained in that office for about seven

years and when I found that his time was being wasted with no prospects of a pension I sought shelter for him in the General Manager's Office, Railway. He started from the bottom of the ladder as a probationer after he had already been seven years with the Lagos Executive Development Board.

Your Excellency, this Bill will be welcomed by all.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency, I rise to say that I welcome this Bill which has been put forward in the interest of the non-pensionable staff of Government who have been suffering because there was no such Bill in the past. There was, of course, provision for *ex-gratia* gratuities but it was subject to such frequent changes that many people had suffered in the past and many through discouragement have had to resign from the Service and seek employment elsewhere.

I am sure now that this Bill is brought forward, many officials who have felt despondent and disappointed will have new life infused into them and be encouraged to do better work.

I congratulate Your Excellency on the liberal spirit which has characterised your administration and which has led to the solving of this very difficult problem which has been a sore point with many African non-pensionable officials in the past.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

I have an amendment, Your Excellency, which I wish to propose to this very clause, clause 2 (1) (b) (i).

Although at the present moment there is a Pensions Fund for constables it is for constables who enlisted at a certain time and who are likely to pass out soon. The present constables have no provision for pensions. I think I asked a question in this House not very long ago about a police corporal who only got about £12 and we all know very well the duties of a policeman are not such that they make very good friends after they have finished their time. It is the kind of duty which makes for many enemies and when they serve twelve years and go back to their country they are not very well received and many of these men go about with no pension but only £12 gratuity which takes them nowhere. These men should have a lump sum down.

His Excellency:

Is the Honourable Member aware that they do receive statutory gratuities under the Police Ordinance?

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Oh, yes, but they are so small.

The Hon. the Deputy Financial Secretary:

May I say, Sir, that this question of bringing the police within the compass of the Government Provident Fund is already receiving consideration but there are objections to accomplishing this by amending clause 2 of the Bill. The provisions of the Bill have been very carefully considered as a whole and the amendment of one clause may have undesirable effects on other clauses and might weaken the Bill. An alternative which occurs to me would be to change the system of daily payment of police to monthly payment. As however this matter is already under consideration, and the Commissioner of Police has expressed his concurrence in principle I suggest that the matter be deferred for detailed examination. I can give an assurance to the Honourable Member that Government intends to include as many as possible of its non-pensionable employees within the Provident Fund and I see no objection in principle to the inclusion of the police.

His Excellency:

Does that satisfy the Honourable Member?

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Yes, but I think warders should be included.

The Hon. the Deputy Financial Secretary:

They are included, Sir.

Bill read a second time.

Council in Committee.

Clause 1.

The Hon. the Deputy Financial Secretary:

Your Excellency, I have to propose an amendment to clause 1 by the insertion of the words "and shall apply to Nigeria" after the figures 1939 in the second line thereof.

Clause 2.

The Hon. the Deputy Financial Secretary:

Your Excellency, I have to propose the following amendments to the definition of non-pensionable servant in clause 2 (1):—

- (a) by substituting a semi-colon for the comma which appears after the word "annum" in the eighth line thereof; and

- (b) by deleting from the eighth line thereof the words "but does not include any person who is—" and inserting the same words as a new line between the eighth and ninth lines thereof.

Clause 6.

The Hon. the Deputy Financial Secretary:

I have to propose an amendment to clause 6, Your Excellency, by substituting the words "the first day of the month" immediately after the date of receipt of election for the words "commencement of the Ordinance".

The object of this amendment, Sir, is to allow employees complete freedom of election within the statutory period of three months, without any obligation to pay arrears if they postpone election until the end of the period.

Clause 7.

I have to propose an amendment to the second proviso to clause 7, Sir. The object of the amendment is to meet the case of certain employees of the Government Colliery who at present contribute to the Railway Provident Fund. Their rate of contribution is one-twelfth of their monthly salary, whereas under this Ordinance the rate is one-twentieth. The amendment provides that these employees may, if they wish, pay at the lower rate of one-twentieth. It is required therefore to amend the second proviso by deleting therefrom all the words after the word "Ordinance" in the fourth line thereof and substituting the following words:—

"he may elect within three months of the coming into force of this Ordinance to deposit in the Fund monthly an amount equal to one-twelfth of his monthly salary instead of an amount equal to one-twentieth of such salary as hereinbefore provided. Any election made under this proviso shall be irrevocable".

Clause 13.

I have to propose an amendment to clause 13 in order to correct a printing error, by deleting paragraph (a) of sub-clause (2) and substituting the following therefor:—

"(a) To pay the passage of—

"(i) any member of the depositor's family or

"(ii) the depositor's brother or sister, coming abroad, or leaving Nigeria on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor."

Clause 18.

I have to propose an amendment, Sir, to clause 18 by amending sub-clause (3) by the substitution of the words " or whose post is so declared a pensionable office, may elect at the time of such transfer or declaration " for the words " may elect at the time of transfer " in the first and second lines.

This expansion of sub-clause (3) is necessary, in order to conform with sub-clause (1).

Clause 20.

I have to propose an amendment to clause 20 of the Bill by the substitution of the words " Railway Provident Fund Ordinance " for the words " and figures Railway Servants' Provident Fund Ordinance, 1939 " in the third and fourth lines thereof.

To amend the marginal note to clause 20 of the Bill by the deletion of the word " Employees " and the comma and figures " , 1938 " therein.

This amendment is no more than a correction of title.

Clause 23.

I beg to propose an amendment to clause 23 by substituting the words " are, in accordance with any Ordinance relating to the fund established by that Ordinance," for the words " have, in accordance with the Non-Pensionable Railway Servants' Provident Fund Ordinance, 1938, been " in the fifth and sixth lines thereof.

The amendment is a correction of title only.

Clause 24.

I have an amendment to propose to clause 24. I beg to propose that the second proviso be deleted therefrom. This provision is not required because there are in fact no officers remaining who elected to pay a sum towards an Insurance Policy in lieu of contributions to the European Officers' Provident Fund.

Clause 25.

I have to propose an amendment to clause 25 by adding a sub-clause:—

- (d) generally for the purpose of carrying out the provisions of this Ordinance.

Schedule.

I have to propose the following amendments to the Schedule, (a) by deleting the following offices:—

Forestry Department	...	...	Clerk draughtsman.
Medical Department	...	...	Tutor.

(b) by adding the following offices:—

Accountant-General Department			Telephone Operator.
Agriculture Department	...	...	Inspector of Produce (non-pensionable).
Chemistry Department	...	...	Laboratory Attendant.
Colliery Department	...	...	Dresser. Improver.
Education Department	...	...	Laboratory Attendant.
Inland Revenue Department	...	...	Temporary Recorder and Collector.
Judicial Department	...	...	Clerk (non-pensionable).
Military Department	...	...	Motor driver.
Public Works Department	...	...	Master Artisan. Artisan and Fitter. Timekeeper and Watchman.

(c) all offices to be described in the singular instead of in the plural.

The Bill having passed through Committee with amendments to ten clauses and several amendments to the Schedule the Council resumed, and on the motion of the Honourable the Deputy Financial Secretary, seconded by the Honourable the Deputy Chief Secretary, the Bill was read a third time and passed.

The Council adjourned at 12.36 p.m. sine die.

Jules

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Monday, 10th July, 1939.

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber Lagos, at 10 a.m. on Monday, the 10th of July, 1939.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Acting Chief Commissioner, Western Provinces,
His Honour H. F. M. White.
- The Acting Attorney-General,
The Honourable C. W. W. Greenidge.
- The Acting Financial Secretary,
The Honourable S. R. Marlow.
- The Acting Commandant,
Colonel, the Honourable H. C. T. Stronge, D.S.O., M.C.
- The Director of Medical Services,
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.,
O.B.E.

- The Director of Education,
The Honourable E. G. Morris, O.B.E.
- The Acting Director of Marine,
Commander, the Honourable G. W. Trinick, R.D., R.N.R.
- The Comptroller of Customs,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall.
- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Oyo Province,
Captain, the Honourable E. J. G. Kelly, M.C.
- The Resident, Owerri Province,
The Honourable F. B. Carr.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The General Manager of the Railway,
The Honourable J. H. McEwen.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Acting Director of Agriculture,
Dr., the Honourable G. Bryce, O.B.E.
- Captain, the Honourable A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.

UNOFFICIAL MEMBERS.

- The Member for Shipping,
The Honourable H. S. Feggetter.
- The Member for the Egba Division,
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,
Dr., the Honourable H. Carr, O.B.E., I.S.O., D.C.L.
- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.

- The Member for Calabar,
The Reverend and Honourable O. Efiang.
- The Member for the Ibibio Division,
The Honourable N. Essien.
- The Member for the Ijebu Division,
Dr., the Honourable N. T. Olusoga.
- The Second Lagos Member,
Dr., the Honourable K. A. Abayomi, M.D.
- The Third Lagos Member,
The Honourable O. Alakija.
- The First Lagos Member,
The Honourable H. S. A. Thomas.
- The Mining Member,
Major, the Honourable H. H. W. Boyes, M.C.
- The Commercial Member for Port Harcourt (Provisional),
The Honourable F. Edmondson.
- The Commercial Member for Kano (Provisional),
The Honourable F. P. Mackenzie.
- The Commercial Member for Lagos (Provisional),
The Honourable J. F. Winter.

ABSENT.

OFFICIAL MEMBERS.

- The Director of Transport,
The Honourable G. V. O. Bulkeley, C.B.E.
- The Senior Resident, Ilorin Province,
The Honourable F. de F. Daniel.
- The Senior Resident, Bauchi Province,
The Honourable W. O. P. Rosedale.
- The Secretary, Northern Provinces,
The Honourable A. E. V. Walwyn.
- The Resident, Niger Province,
The Honourable P. G. Harris.
- The Resident, Bornu Province,
The Honourable P. G. Butcher.
- The Resident, Ogoja Province,
The Honourable K. V. Hanitsch.
- The Resident, Adamawa Province,
Captain, the Honourable E. W. Thompstone, M.C.

UNOFFICIAL MEMBER.

- The Commercial Member for Calabar (Provisional),
The Honourable N. B. Edwards,

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 15th March, 1939, having been printed and circulated to Honourable Members were taken as read and confirmed.

OATHS.

The Honourable the Acting Commandant, the Honourable the Comptroller of Customs, the Honourable the Resident, Katsina Province, the Honourable the Mining Member, the Honourable the Commercial Member for Port Harcourt (Provisional), the Honourable the Commercial Member for Kano (Provisional), the Honourable the Commercial Member for Lagos (Provisional), and the Honourable the Acting Deputy Financial Secretary (Extraordinary Member), took the Oath as Members of the Council.

PAPERS LAID.

- Sessional Paper No. 3 of 1939, Annual Report on the Forest Administration of Nigeria for the year 1937.
- Sessional Paper No. 8 of 1939, Report on the Progress of Co-operation in Nigeria for the year 1937-38.
- Sessional Paper No. 9 of 1939, A Preliminary Report on the Administrative Reorganisation of the Colony Districts of Nigeria.
- Sessional Paper No. 10 of 1939, Native Treasuries Estimates (Northern Provinces) for the year 1939-40.
- Sessional Paper No. 11 of 1939, Report on the Colliery Department for the year 1938.
- Sessional Paper No. 12 of 1939, Northern Provinces Annual Report for the year 1938.
- Sessional Paper No. 13 of 1939, Report on the Audit Accounts of Nigeria for the year ended 31st March, 1938.
- Sessional Paper No. 14 of 1939, Report on the Audit of the Accounts of the Nigerian Government Railway and Road Motor Services and of the Government Colliery for the year ended 31st March, 1938.
- Sessional Paper No. 15 of 1939, Annual Report on the Department of Chemistry (Late Analyst Department) for the year 1938.
- Sessional Paper No. 16 of 1939, Trade Report for the year 1938.
- Sessional Paper No. 17 of 1939, Native Treasuries Estimates (Western Provinces) for the year 1939-40.

Sessional Paper No. 18 of 1939, Annual Report on the Veterinary Department for the year 1937.

Sessional Paper No. 19 of 1939, Annual Report on the Land and Survey Department for the year 1938.

Sessional Paper No. 20 of 1939, Report of a Committee appointed in Nigeria to examine Recommendations made by the Commission on the Marketing of West African Cocoa.

Sessional Paper No. 21 of 1939, Annual Report on the Port Department for the year 1938.

Sessional Paper No. 22 of 1939, Annual Report on the Administration of the Colony for the year 1938.

Sessional Paper No. 23 of 1939, Despatch covering the Auditor's Report on the Nigerian Railway and the Colliery, 1937-38.

Sessional Paper No. 24 of 1939, Annual Report on the British West African Meteorological Service for the year 1938.

Report of the Finance Committee for the period from March, 1939 to June, 1939.

Report of the Select Committee of the Legislative Council appointed to consider and report upon a Bill entitled The Companies Income Tax Ordinance, 1939.

Review of the Financial Position.

Subsidiary Legislation made since the last Meeting of the Council.

Certificate of Urgency in respect of the following Bills:—
The Colony Taxation (Amendment No. 2) Ordinance, 1939.

The Non-Natives Income Tax (Protectorate) (Amendment No. 2) Ordinance, 1939.

Certificate of Urgency in respect of the following Resolution and Order:—

Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924).

Report of the Committee appointed in 1938 by the Governor of the Gold Coast Colony to inspect the Prince of Wales' College, Achimota.

Notice in regard to the award of Government Scholarships.

QUESTIONS.

The Member for the Ibibio Division (The Hon. Nyong Essien):

1. (*Question No. 31 of the 6th of March, 1939*). (a) Is it correct that there is a seminary established by the Methodist Mission for girls or women at Ituk Mban Village in the Uruan Clan, Uyo District? If so,

(b) What is the number of the members on the staff, and what are their names, nationalities, qualifications and salaries?

Answer:—

The Hon. the Director of Education:

(a) Yes, Sir.

(b) Three. Their names, nationalities, qualifications and salaries are as follows:—

Miss M. G. W. LOVE	British	Trained at Kingsmead, the Selly Oak Colleges, Birmingham, England	£185 per annum.
* Mrs. ANTIGHA ITA	Efik	Standard V	£15 per annum.
* Miss OKONANWAN EFFIONG UTIT	Efik	Standard V	£12 per annum.

* Uncertificated Teachers.

The Member for Calabar (The Hon. Rev. O. Efiang):

2. (*Question No. 36 of the 6th of March, 1939*). (a) To ask the Honourable the Director of Education which of the Middle Schools and Colleges in the Northern Provinces of Nigeria admit pupils whose parents are non-natives of the Northern Provinces?

(b) What is the total number of such pupils?

(c) How are they distributed among those schools and colleges?

(d) Which of the Middle Schools and Colleges of the Northern Provinces are not to admit pupils whose parents are non-natives of the Northern Provinces of Nigeria?

Answer:—

The Hon. the Director of Education:

(a) All Middle Schools in the Northern Provinces admit pupils whose parents are not natives of the Northern Provinces provided, in the case of Moslem Schools, that such pupils are of the moslem faith or that their parents are willing for them to be subject to moslem influence.

(b) 172.

(c) The pupils are distributed as follows:—

Kaduna Government School	...	...	...	86
Jos Government School	...	...	...	82
Native Administration Middle School, Okene	...	...	...	1
Church Missionary Society, Wusasa, Zaria	...	...	...	3

(d) Kaduna College.

The Member for Calabar (The Hon. Rev. O. Efiang):

3. (*Question No. 49 of the 6th of March, 1939*). (a) To ask for full details in connection with a certain incident which occurred in Calabar on the 17th of January, 1939, in which it is alleged one Mr. E. H. Efiom was seriously assaulted and wounded by police constables in an attempt to arrest him?

(b) What was the crime for which it was found necessary to arrest him?

(c) What injuries did he sustain and how did he manage to sustain those injuries?

(d) What official action has since been taken in the matter?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) On the 17th of January, 1939, a Constable on beat duty heard a loud noise in the Bush Market in Calabar Township and ran towards the market to investigate. Seeing Mr. Efiom running out of the market, he stopped him and asked why he was running. Mr. Efiom pushed him away but was eventually caught by the Constable; he struggled with the Constable and refused to answer questions. By this time a large crowd had collected and a Corporal of Police ordered the Constable to release Mr. Efiom, and he did so. Mr. Efiom then held the Corporal's belt with both hands. Asked by the Market Master to release his hold, Mr. Efiom removed his left hand and caught hold of the iron railings nearby. When the Corporal tried to release Mr. Efiom's left hand, the latter hit him on the jaw and butted him on the face with his head. The Constable then obtained more police and Mr. Efiom was taken to the Police Station. On arrival there he still refused to answer questions and his language and actions were so violent that it was necessary to handcuff him. He continued to resist the police and threw his hands about as a result of which he sustained a cut over his left eye-brow from the handcuff.

(b) See the reply to (d) below.

(c) See the last sentence of the reply to (a) above.

(d) Mr. Efiom was charged on the following counts:—

- (i) Conducting himself in a manner likely to cause a breach of the peace at the Bush Market, Calabar, at about 12 noon on the 17th of January, 1939, contrary to section 249 (5) of the Criminal Code.
- (ii) Assault and resisting Police Officers while acting in the execution of their duties at the same time and place, contrary to section 356 (1) and (2) of the Criminal Code.
- (iii) Assaulting sundry persons to wit:—
Akpaka Iwuji, Forsen Nlemadin and Frank Udo at the same time and place, contrary to section 351 of the Criminal Code.

Mr. Efiom was found guilty under sections 249 (5) and 356 (1) and (2) and was sentenced to a fine of £5 or one month's imprisonment in default on each charge, sentences to run consecutively. Both fines were paid. He was found not guilty under section 351. Mr. Efiom was defended by Counsel.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

4. (*Question No. 57 of the 6th of March, 1939*). Is Government aware of the action of a Police Constable, Thomas Shorunke in Ijebu Remo Division of the Ijebu Province, who at Ilishan stripped naked one Bakare Sari, ordered him to be severely beaten, causing bodily harm and ordered the wounds thus inflicted to be massaged

with pepper, and ordered the man in stark nakedness to be paraded around the public streets and markets in broad daylight at Ilishan, as a result of which treatment Bakare Sari was later removed to the hospital at Ijebu Ode for medical treatment; that reports were later made to the Assistant Superintendent of Police and the Resident, Ijebu Ode, and evidence given in connection with the incident in December, 1938, in the High Court at Ijebu Ode. To ask:—

(a) What was the nature of the report made by the Medical Officer on his treatment of Bakare Sari especially when giving evidence in Court?

(b) What remarks did the Judge make in his findings particularly on the action of this policeman?

(c) Whether any police constable has justification to treat an offender so brutally and in so inhumane a manner as described above? If not,

(d) What is Government prepared to do to obviate a recurrence of so disgraceful a treatment from the hands of police officers to the members of the public?

(e) What was the step taken by the Assistant Superintendent of Police to whom this incident was reported?

Answer:—

The Hon. the Chief Secretary to the Government:

Evidence was given before the High Court at Ijebu Ode at the trial of a band of armed robbers, of whom Bakare Sari was the leader, that he had received injuries while his arrest was being effected. He alleged in his evidence that pepper was rubbed into bruises on his body and that he was conducted through the town naked, but the weight of evidence clearly establishes that pepper was not rubbed into his injuries, that he was wearing only a pair of short trousers when arrested and that these were not removed from him after arrest. Also that he resisted arrest and in the violent struggle with Police Constable Shorunke which ensued, both received superficial injuries to the skin which were treated in hospital. The evidence suggests that each made use of a stick in the struggle.

(a) The Medical Officer who attended Bakare Sari on admission to hospital was not available to give evidence, but the deductions of his colleague from the case sheet were to the effect that the wounds might have been caused by scratches in a bush fight, with a whip or thin stick, but certainly not by a heavy stick, and that records showed that this patient malingered considerably while in the hospital.

(b) The Acting Assistant Judge stated:—

This court deprecates the brutal and inhuman conduct of Police Constable Shorunke after arresting the first accused which no doubt should call for a severe reprimand from the Superintendent of Police under whom he serves.

(c) No, Sir, but the law allows a policeman to use reasonable force in effecting an arrest, if the person to be arrested resists. Before this arrest occurred instructions were already in force to the effect that persons shall not be handled roughly in making an arrest unless they make it unavoidable by their resistance.

(d) Since the above is well known it is not considered that any special steps need be taken to prevent the unlikely occurrence of incidents such as have been described.

(e) The Assistant Superintendent reported the incident to Police Headquarters stating that although Police Constable Shorunke had worked very hard in the case and that he had intended recommending him for a reward he had, in view of the remarks of the Acting Assistant Judge quoted under (b) of this reply, reprimanded the constable.

The Member for the Ibibio Division (The Hon. Nyong Essien):

5. (Question No. 62 (o) of the 6th of March, 1939). What were the accounts of the cost of the escort?

Reply not yet ready.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

6. (a) How soon will subscribers to Telephone Service expect to enjoy Trunk Service between Ijebu Ode, Ibadan, Lagos and Ife Districts?

(b) Will Government consider the advisability of charging at Ijebu Ode, the same rate of rental as is charged for in Abeokuta Province, and also to bring the time of service at Ijebu Ode into line with Abeokuta?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) This service began on the 1st of April, 1939.

(b) The rent payable at Ijebu Ode is the same as that payable at Abeokuta. Extended hours at Ijebu Ode will be introduced at an early date.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

7. Inviting Government's attention to Head 15 Judicial, Item 15 of the 1939-40 Estimates; in view of the fact that there are seven High Court Divisions of the Protectorate Courts, *viz.*, Calabar, Aba, Enugu, Onitsha, Warri, Ibadan and Kaduna, why is it that six Registrars are appointed and not seven?

Answer:—

The Hon. the Acting Financial Secretary:

Although the Estimates provide for six Registrars only for the Protectorate Courts, a First Class Clerk, whose salary scale is the same as that of a Protectorate Courts Registrar, is supplied from the Supreme Court establishment for the Registry of one Puisne Judge serving as a Judge in the Protectorate.

The Member for Calabar (The Hon. Rev. O. Efiang):

8. To ask the Honourable the Chief Secretary to the Government—

(a) How many of the Yaba College graduates have been teaching in the Government schools and colleges for the past three years or over?

(b) How many of them have had their appointments confirmed?

(c) What is the total number of those whose appointments have not been confirmed after having given three or more years' service?

(d) What accounts for this failure to confirm their appointments?

(e) How soon will their appointments be normally confirmed?

Answer:—

The Hon. the Acting Financial Secretary:

(a) Seventeen.

(b) None.

(c) Seventeen.

(d) and (e) The term "confirmation" in relation to Government appointments is used only in regard to pensionable posts. The pensions law prescribes certain formalities for constituting a post pensionable. The post of Master in the Education Department is only one of several new posts which were introduced in connection with the revision of African staff salaries embodied in Sessional Paper No. 19 of 1935 and the formalities for declaring them pensionable were deferred pending a detailed review of the existing list of pensionable offices. That review has now been completed and it is hoped that a revised list of pensionable offices will shortly be notified in the Gazette. As soon as this is done steps will be taken to confirm those who are eligible and are recommended by the Head of the Department.

The Member for Calabar (The Hon. Rev. O. Efiang):

9. To ask the Honourable the Director of Education—

(a) What steps has the Government taken to study the educational needs of the various districts and provinces of Nigeria with a view to ascertaining the demand for more schools of various types in those areas and what scheme has the Government on foot to meet that demand?

(b) What are the different areas in which schools are to be established in each of the next five years?

(c) What are the types of schools to be so established so as to give sound education adapted to the needs of the country?

Answer:—

The Hon. the Director of Education:

(a) The Officer in charge of Education in each province has been instructed to investigate the educational requirements of the province and to submit, through the School Committee, recommendations for development during the next five years; these recommendations will be discussed by the Northern and Southern Provinces Boards of Education.

(b) and (c) This will depend upon the result of the discussions referred to in the answer to (a) above.

The Member for Calabar (The Hon. Rev. O. Efiang):

10. To ask the Honourable the Financial Secretary—

What steps is the Government of Nigeria taking to create a fund for the maintenance of Yaba Higher College as was done in the case of Achimota College by the Gold Coast Government and similar to the foundation fund suggested for the proposed Higher College for the British East African Dependencies in order to enable the Yaba Higher College to qualify for the appointment of a Governing Council with an unofficial majority?

Answer:—

The Hon. the Director of Education:

None, Sir. Government does not at present contemplate any alteration in the existing method of financing the Higher College.

The Member for Calabar (The Hon. Rev. O. Efiang):

11. Is it true that a number of children were expelled from Assisted Schools in Abeokuta Province at the end of 1938, by or on the recommendation of the Provincial Superintendent of Education and if so on what grounds?

Answer:—

The Hon. the Director of Education:

Yes, Sir; a number of children were super-annuated by the Managers of the schools on the advice of the Education Officer, Abeokuta Province. The children in question were many years older than the average age of the class in which they were working and were not making satisfactory progress.

The Member for Calabar (The Hon. Rev. O. Efiang):

12. To ask the Honourable the Director of Education—

(a) What is the total number of teachers who have completed their training in the various assisted training institutions and colleges in Nigeria within the last fifteen years?

(b) What is the total sum of money spent by the Government of Nigeria on the training of those teachers?

(c) How many of those teachers are still teaching in the country?

(d) What percentage of the teachers so trained have left the teaching profession in Nigeria?

(e) What are the main reasons for those teachers leaving the profession?

(f) How does the Government of Nigeria propose, as far as lies in its power, to remove the chief causes of the exodus of those teachers from the profession?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

13. To ask the Honourable the Chief Secretary to the Government—

(a) If it is a fact that a Memorandum was addressed this year to the Government through the Honourable the Director of Education containing a statement of the disabilities under which teachers in Nigeria labour? If so,

(b) Who submitted the Memorandum?

(c) What steps does the Government propose to take in order to remove the causes of dissatisfaction set out in that Memorandum?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) A memorandum of the nature described was addressed to the Honourable the Director of Education in February of this year.

(b) The Nigeria Union of Teachers.

(c) As stated under (a) above the memorandum was addressed to the Director of Education and not to the Government but the Government is aware of its contents. The representations contained in the memorandum were also discussed in detail at a meeting of the Board of Education (Colony and Southern Provinces) at which the Union's representative was present. Government's position in connection with the payment of grants to Mission Schools was defined in His Excellency's address to the Council on the 6th of March, and in reply to Question No. 44 asked by the Honourable Member at the same session. The Honourable Member can rest assured that increased provision for grants-in-aid will be made as soon as the country can possibly afford it.

The Member for Calabar (The Hon. Rev. O. Efiang):

14. To ask the Honourable the Director of Education—

(a) How many of the existing educational institutions in Nigeria have been established by natives of Nigeria within the last five years?

(b) Who are the proprietors of those institutions?

(c) In what ways does the Government of Nigeria encourage those institutions to attain to an appreciable standard of efficiency and take their rightful place among the educational institutions in the country?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

15. To ask the Honourable the Director of Education—

(a) What recommendations about the development of the Yaba Higher College including the School of Medicine and the place of that College in the scheme for higher education in British West Africa have been made by the Commission that visited West Africa last year?

(b) What is the attitude of the Government of Nigeria towards those recommendations?

Answer:—

The Hon. the Director of Education:

(a) The Honourable Member refers presumably to the Report of the Committee appointed by the Government of the Gold Coast Colony to inspect the Prince of Wales' College, Achimota. That report has just been published but it contains no specific recommendations of the kind referred to by the Honourable Member. The report has not yet been examined in detail by this Government, but the Co-ordination of Higher Education has been placed on the Agenda for the Governors' Conference, and any recommendations in the report affecting general policy will then be considered.

(b) Does not arise.

The Member for Calabar (The Hon. Rev. O. Efiang):

16. With reference to a Deed of Gift dated 29th December, 1902, signed between Obon Adam Ephraim Adam, Prince Egbo Archibong II, Chief Abasi Eyo Andem and Prince Adam Duke IX, representing the Duke Town families, Calabar, on the one side, and Sir Ralph Moor representing the Government on the other in respect of a piece of land said to be partly occupied by the Elder Dempster Lines offices and workshops at Calabar, to ask—

(a) Whether any representation has been made to Government on behalf of the Grantors alleging that certain conditions of that Deed have been contravened by Government? And if so,

(b) When was the first representation made and how many reminders have been sent to Government on the matter and what were the dates and terms of Government replies to those letters and reminders?

(c) Whether it is a fact that as far back as the 24th of September, 1937, the District Officer, Land Section, Calabar, had informed the Duke Town Etuboms as representatives of the landowners in writing that he was "awaiting a reply from Lagos regarding this question"?

(d) Whether it is also a fact that in answer to repeated reminders, the District Officer, Land Section, about a year later, that is on the 30th of August, 1938, again wrote regarding the same question "a full report was submitted to Government some weeks ago and a reply is expected shortly"?

(e) Whether through further delay to satisfy the claims of the people a petition dated the 26th of October, 1938, was addressed to His Excellency the Governor on the matter and the receipt of it acknowledged by the Secretary, Southern Provinces, on the 12th of December, 1938?

(f) Whether up to the present the claims of the people have been satisfied or a final settlement reached and if not why has there been no settlement for the protracted period of two years?

(g) Whether the site now occupied by the Elder Dempster Lines offices and workshops in Calabar is part of the land granted to Government by the Deed of the 29th of December, 1902, referred to above?

(h) If the answer to (g) is in the affirmative to ask whether Government in subletting the land has fulfilled to the letter all the conditions of the Deed?

(i) If the answer to (g) is in the negative to ask by what Deed or authority is Government enjoying the right to control, and collect the rents from, that piece of land occupied by Elder Dempster Lines offices and workshops?

(j) To ask for the name of the company or person to which the land which is the subject of this question was first leased, whose consent was obtained, the annual rental paid and also the total amount of rent collected by Government from the original date it was leased up to the present?

(k) To ask whether the consent of all the Duke Town families was obtained before the said piece of land was leased by Government before, during or since 1914, and whether such consent was indicated by the signatures of the heads or representatives of all the families concerned as was the case when the original Deed was signed in 1902?

(l) Whether by virtue of the fact that Government is no more using the said piece of land for "public purposes" but has leased it to a private firm in return for payment, will Government consider the advisability of delivering the land to the Grantors and paying to them all rents collected therefrom without further delay and to ask what reasons there are if the answer is in the negative?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

17. To ask the Honourable the Director of Agriculture—

(a) The number of Technical Assistants in the Agricultural Department?

(b) How many of these are at present in Grade I, with a salary of £128 per annum, and upwards?

(c) How many are now earning anything up to and including £128 per annum?

(d) Why is it that such an overwhelming majority of Technical Assistants in this Department are earning salaries under £128 per annum?

(e) Is it due to lack of efficiency on the part of the Technical Assistants?

(f) If not, will the Director of Agriculture consider raising the more efficient and reliable Technical Assistants in Grade II to Grade I, purely on their merit, and irrespective of whether they have reached the maximum of Grade II or not?

(g) What was the percentage of marks obtained by the first pupil in the class of pupils who completed their three years course of training in December, 1932, and what was the initial salary offered him?

(p) The question of further scholarships will be considered when the report of the Principal on the two men already in Trinidad has been received; but a proposal that a refresher course at Trinidad should be part of the normal training of the Senior African staff is receiving the attention of the Government.

(g) In view of the financial situation it is unlikely that the Government will be able to increase the number of scholarships in the near future.

The Member for Calabar (The Hon. Rev. O. Efiang):

18. (a) To ask whether Government will consider as in the case of European Civil Servants the advisability of a system of uniformity of leave conditions for African Civil Servants under a general stipulation of one month per year or two months for a tour of two years with the option to extend one's tour to three years in which case one enjoys three months' leave (allowing all those at present drawing from £240 per annum upwards to continue under their old conditions of six weeks per year) in accordance with the amendment of General Order 584?

(b) To ask Government to consider the necessity for African Civil Servants' leave to start on the date of arrival at home and to return from leave by the boat or means of transport nearest the date of expiration of leave, and a tour to begin on the date of resumption of duty at the station, with the proviso that officials may not omit first transport to his home when leave is due?

Answer:—

The Hon. the Acting Financial Secretary:

(a) As was stated in reply to Question No. 20 asked by the Second Lagos Member at the meeting of the Council held on the 10th of July, 1938, this matter has received full consideration on previous occasions and Government is not prepared to alter the existing arrangements.

(b) This point also has been the subject of previous consideration by Government. The existing regulations provide for the retention by a diminishing number of non-natives of Nigeria who originally joined the Service of the old Northern and Southern Nigeria Governments before September, 1913, and May, 1906, respectively, of the privilege of excluding the voyage periods when they spend their leave in their homes in West Africa. Natives of Nigeria at stations more than three days distant from their homes may be granted an addition to the period of their leave to cover the time in excess of three days necessarily taken in travelling to and from their homes. There are no adequate reasons for adopting the further privileges suggested by the Honourable Member.

The Member for Calabar (The Hon. Rev. O. Efiang):

19. To ask Government to consider the need for Calabar to have a proper permanent wharf of about 1,200 feet long in the place of the present "Toy Pier" so that mail and cargo steamers can always lie at anchor alongside for the easy and convenient handling of business?

Answer:—

The Hon. the Director of Marine:

A wharf 1,200 feet long, suitable for such vessels, would cost £300,000 approximately. For the volume of trade and type of port it is not considered that this would be an economical proposition.

The Member for Calabar (The Hon. Rev. O. Efiang):

20. In view of the state of Calabar and Calabar Province in the event of war, will Government consider the need of sending a detachment of the Nigeria Regiment for a permanent stay in Calabar? If not,

(a) What will happen to all the public buildings?

(b) To what use will Government put the new barracks where soldiers used to stay?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

21. To ask Government to indicate to the people of Nigeria how and where to obtain gas masks in case of any pressing emergency?

Answer:—

The Hon. the Chief Secretary to the Government:

The attention of the Honourable Member is drawn to the reply to Question No. 78 asked at the Legislative Council Meeting of the 6th of March, 1939, which is equally applicable to the rest of Nigeria. It is considered most improbable that any pressing emergency requiring the use of gas masks will arise and in these circumstances the Government does not consider it desirable to make any further statement on the matter at the present time.

The Member for Calabar (The Hon. Rev. O. Efiang):

22. (a) To ask the Government to state the rate of salary of Assistant Medical Officers, comparing it with that of African doctors qualified in British Universities, all being under the employ of the Nigerian Government?

(b) What assistance is Government or the Medical Department willing to render, other than financial assistance, by way of recommending to the British Universities, any Assistant Medical Officer who may desire to proceed to the United Kingdom for further study in medicine, as the local qualifications of these Assistant Medical Officers are not recognised beyond the territorial bounds of Nigeria?

Answer:—

The Hon. the Acting Financial Secretary:

(a) The approved salary scale of Assistant Medical Officers, after a probationary period of three years (or such extended period as may be permitted in which to obtain the necessary Diploma) as

Medical Assistants on a salary of £112, £120 and £128 per annum, is in three grades with a minimum of £160 per annum and a maximum of £560 per annum. Provision in the Estimates is at present limited to Grade II Assistant Medical Officers with a maximum of £220 per annum; inclusion of the higher grades in the establishment will be considered in due course according to the needs of the Medical Service and the availability of suitable candidates.

The salary scale for African Medical Officers with British qualifications is £400 per annum rising to £720.

Sessional Papers No. 19/1935 and No. 10/1938 give full particulars of these scales.

(b) It is considered that until the British Medical Examining Bodies have approved and recognised the course of study leading up to the local qualification no useful purpose would be served by arranging for Assistant Medical Officers to undertake further study in Great Britain. The course of medical training given locally is being brought into line with the requirements of the General Medical Council with the object of attaining the necessary recognition in due course.

The Member for Calabar (The Hon. Rev. O. Efiang):

23. To ask the Honourable the Director of Education—

Will Yaba Higher College be affiliated to any British University to afford deserving students the privilege of sitting to oversea papers here, which will give them full and universal qualification in their professions and also curtail the expenses incurred by Government in sending students to the United Kingdom from Yaba Higher College for full qualification as teachers in special subjects?

Answer:—

The Hon. the Director of Education:

As already stated in the reply to Question 15 the co-ordination of higher education has been placed on the Agenda for the Governors' Conference, and Government is therefore not prepared at present to make any statement of the policy to be pursued in regard to the future development of Yaba Higher College.

The Member for Calabar (The Hon. Rev. O. Efiang):

24. (a) Is it a fact that the parents of boys who won Government scholarships in 1928 and 1929 had agreements signed by Government that they would receive free training as Medical Scholars for three years at King's College, at the end of which period they would be classified into A and B Groups. Those in "A" would be trained as Medical Assistants and those in "B" as Dispensers and Sanitary Inspectors?

(b) Is it a fact that it was definitely stated in the bond as one of the privileges that in the case of those in "A" Grade who showed marked ability, arrangements would be made for them to complete their education in a British University. It is not clear

whether it was meant that these special boys would be sent abroad at Government expense for further education at the end of their training at King's College or after they have qualified as Medical Assistants. If the latter, whether it is still Government's intention to do so?

Answer:—

The Hon. the Director of Education:

(a) No, Sir. Under the terms of the agreement the Director of Medical Services undertook that the apprentices would receive instruction for a period of three years at King's College, Lagos, and thereafter in the profession of Medicine, Surgery and Obstetrics or Pharmacy and Dispensing, or Sanitary Inspection, or the functions of Laboratory Technician, or Nursing. There is no mention in the agreements of the classification as described by the Honourable Member, but the apprentices were so classified at the end of their third year at the college.

(b) No such statement was made either in the agreements or when the classification referred to above was introduced.

The Member for Calabar (The Hon. Rev. O. Efiang):

25. In the syllabus "School of Medicine of Nigeria" it is stated that Medical Assistants after two years of practical work will return to the Medical School to start their Diploma Course. On January last year, 1938, three boys from Higher College who only qualified on February, 1937, as Medical Assistants and were sent to different stations, were returned to the Medical School to take the Diploma Course. To ask why these boys were returned earlier than the stated time, and why were other boys from King's College who qualified at the same time and whose previous failures afforded them a certain amount of practical experience not returned to the Medical School for the Diploma Course?

Answer:—

The Hon. the Director of Medical Services:

The Honourable Member has not quoted the syllabus of the School of Medicine correctly. The syllabus states "A Medical Assistant, who has been registered for at least three years, one of which has been spent in an approved course of special study, and who has passed a further examination shall be granted a diploma"

Experience has shown that it is of advantage to the Medical Assistants to take the approved course of special study after a shorter period of practical work than two years, and by October of the present year all Medical Assistants who have not already completed the special course will be engaged in it. The students for the special course have as far as practicable been taken in order of merit and previous failures are not considered to be meritorious or to afford evidence of practical experience,

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

26. In the matter of the petition of one Yesufu Ajadi, representing all the members of the Amunigun family, sent through the Olubadan in Council and dated 7th of September, 1938, *re* compensation for acquisition of farmland at Tapa Village, to ask the Government:—

(a) Whether name of Amunigun was included in the list of names of those who had received compensation for the area in question, acquired by the Government during the time of Bale Shittu?

(b) Will the Government please give (i) the names of those representatives of families to whom compensation had been paid? (ii) What family was represented by each to whom compensation had been paid? (iii) How much was paid to each?

(c) Is it a fact that the village of Tapa belonging to Amunigun family in the area in question was burnt down by order of the Government on the 11th of October, 1938? And if so,

(d) Whether the members of the family had been informed and required to move from the village before it was set on fire?

(e) Whether they refused to move?

(f) Whether in case of their refusal to move the Government had given them opportunity to state their case either in a Native of Protectorate before the village was burnt?

Reply not yet ready.

The First Lagos Member (The Hon. H. S. A. Thomas):

27. (a) How many Third Class Sanitary Inspectors on the maximum salary of their grade have passed the examination for promotion to the Second Class Grade during the past three years?

(b) How many of those who passed have been selected for promotion?

(c) What are the reason or reasons for non-selection of those not promoted?

Answer:—

The Hon. the Director of Medical Services:

(a) Fifteen.

(b) Ten.

(c) They are not yet considered fit for promotion having regard to recent reports on their work and conduct.

The First Lagos Member (The Hon. H. S. A. Thomas):

28. (a) To ask for the number of:—

(i) Plant Attendants and

(ii) Assistant Plant Attendants

now employed in the Posts and Telegraphs Department and the Votes from which they are paid?

(b) Why are these employees not now separately provided for in the Departmental Expenditure Estimates as was the case up to the financial year 1933-34 inclusive?

Under the approved labour rates published in September, 1934, greasers are classified under Grade IV, with a maximum rate of two shillings and a minimum of one shilling per day.

(b) No trace can be found of the letter having been received. The men formerly worked an average week of fifty-seven hours with one day off duty each week, but the hours of duty have recently been reduced to an average of forty-eight hours per week with one day off duty per week.

(c) The duties of these greasers consist of oiling and attending to the bearings, etc., of the running plant, and are in no way arduous.

The Second Lagos Member (The Hon. Dr. K. A. Abayomi):

32. (a) What is the number of smallpox cases admitted into the Infectious Diseases Hospital, Ibadan, during the year 1938, and the number which died in the hospital from that disease during the same period?

(b) Is it a fact that the Attendant employed at this hospital is not a trained Nurse but a Sanitary Labourer who was only given a short course of training at the Adeoyo Hospital?

(c) Is it also a fact that this hospital is poorly furnished as compared with the Infectious Diseases Hospitals in the other provinces?

Answer:—

The Hon. the Director of Medical Services:

(a) Sixty-two cases were admitted of whom six died.

(b) The Attendant concerned though not a trained nurse, received fifteen months' training in general nursing at Adeoyo Hospital and six months special training in the treatment of infectious diseases.

(c) No, Sir. The furnishing and equipment of the hospital are considered adequate and compare favourably with Infectious Diseases Hospitals in other provinces.

The Third Lagos Member (The Hon. O. Alakija):

33. Will Government kindly consider the question of increasing the number of appointments of Technical Assistants, Grade I, in the Agricultural Department, in order to provide more opportunities of advancement for deserving officials in the lower grades?

Answer:—

The Hon. the Acting Director of Agriculture:

The number of appointments of Technical Assistants, Grade I, is regulated by the number of duty posts authorised. Government is not prepared to consider the question of increasing the number of appointments unless and until it is shown that the present number of duty posts is inadequate.

The Third Lagos Member (The Hon. O. Alakija):

34. (a) Is it a fact that generally Railway clerks formerly on daily or hourly rates of pay were, on conversion, paid monthly rates which will give them for the first twelve months less amounts than they were actually paid for the preceding twelve months?

(b) If the answer is in the affirmative, to ask whether Government will be pleased to grant to such of these clerks as had been in receipt of the same daily or hourly rates of pay for three or more years previous to the conversion, the concession of converting at monthly rates which will secure to them, for the first twelve months, sums which are not less than what they were actually paid for the preceding twelve months?

Answer:—

The Hon. the Acting Financial Secretary:

(a) Yes, Sir; but the reduction made in each case is slight.

(b) The Government is not prepared to entertain the suggestion, since transfer to the monthly paid staff is accompanied by compensating advantages, such as leave with pay and full salary during periods of absence on account of illness within the limits prescribed by regulations.

The Third Lagos Member (The Hon. O. Alakija):

35. (a) Has Government received any reports touching the work and progress of the two African officials of the Agricultural Department who were sent last year for a refresher course at the Imperial Tropical College of Agriculture in Trinidad? If so,

(b) What is the nature of the reports received?

(c) Does Government contemplate sending other African officials of the Agricultural Department for a similar course at the College on the return of those who are there at present?

(d) If not, why not?

Answer:—

The Hon. the Acting Director of Agriculture:

(a) and (b) No, Sir. The course is not yet finished, but the Director of Agriculture is in constant communication with the Principal, Imperial College of Tropical Agriculture, and from information so far received it would appear that the students in question are making satisfactory progress.

(c) and (d) See answer to Question 17 (p).

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

36. (a) Is it true that, in spite of the fact that Iperu, a district in Ijebu Remo Division of Ijebu Province, is heavily infested with guinea worm and that the nearest stream from which potable water can be drawn is three miles away, Government contemplate discontinuing the supply of pipe-borne water which was begun in 1937, at a cost of £494 14s. 4d.? If so,

(b) Why has the petition of the people, which was submitted through the Resident, wherein they express willingness to accept a flat water rate similar to that in force at Ijebu Ode and at other places in Nigeria or any other rate imposed by Government not received favourable consideration?

(c) Why was the sum of £2,000 provided for in the 1938-39 Estimates not spent on this work of water supply?

Reply not yet ready.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

37. (a) What are the minimum and the maximum salaries of Road Overseers and Senior Road Overseers?

(b) What are the conditions of promotion for Public Works Department employees engaged on road labour who hold positions of responsibility?

(c) How long does it generally take to qualify for promotion?

(d) How many, and who are the Overseers, who have been recommended for transfer, and have been transferred to the authorised establishment of the Department since April, 1938?

(e) In so far as work on roads is permanent, whether the time has not come to make Road Overseers permanent employees of the Government?

(f) What is the policy of the Government in regard to Road Overseers who are permanently injured in the discharge of their duties?

Answer:—

The Hon. the Acting Financial Secretary:

(a) The approved rates are as follows:—

	£	s.	d.	£	s.	d.	
Road Foremen ...	4	15	0	to	11	0	0 per month.
Head Overseers ...	3	10	0	to	8	0	0 „ „
Overseers ...	1	4	0	to	5	7	0 „ „
Overseers in training ...	1	0	0	to	3	5	0 „ „

(b) and (c) Promotions are governed by proved ability and available vacancies. Since such vacancies occur at irregular intervals it is not practicable to state for what length of time an employee may be required to serve in any grade before promotion.

(d) and (e) The permanent establishment of the Public Works Department does not include grades of Road Overseers at present. The principle of such inclusion has however been approved and it is hoped to effect the necessary transfers in connection with the Estimates for 1940-41.

The exact number of employees to be so transferred has not yet been decided.

(f) General Order 602A provides for a full report in each case, and for further inquiry where necessary. Compensation is not awarded to an employee who continues in the employment of Government under conditions whereby he may qualify for gratuity on discharge, though such gratuity would be augmented were his retirement accelerated as a result of the injury, according to the degree of impairment of earning capacity. Compensation is awarded in respect of injuries on duty to casual employees or labourers, according to the nature of the injury and having regard to the rate of wages.

The Second Lagos Member (The Hon. Dr. K. A. Abayomi):

38. In view of the present economic conditions which necessitates "the marking of time" and prevents the immediate removal of at least the over-congested Boarding Departments of Queen's College to a more suitable place, whether it is the case—

(a) That a refuse house is in close proximity to the dormitories which are consequently affected by the obnoxious effluvium of the refuse deposited there? And

(b) That three dysenteric cases, probably of fly borne origin, occurred recently among the Boarders?

(c) If the answers be in the affirmative, to ask whether the Government will not consider the immediate removal of the refuse house in the interests of the health of the Boarders?

(d) Is the Government aware of the proximity of the kitchen to the latrine at Queen's College? If so, whether it will not be in the best interests of the pupils that one or the other be removed to a more remote area for health reasons?

Answer:—

The Hon. the Director of Education:

(a) It is a fact that there is a refuse house close to the dormitories and the attention of the Medical Officer of Health has recently been drawn to the complaint.

(b) No, Sir.

(c) As indicated in the reply to (a) above, the matter is receiving attention.

(d) Yes, Sir. The distance between the two structures is approximately twenty yards which is regarded as adequate, provided the latrine is maintained in a proper manner.

The First Lagos Member (The Hon. H. S. A. Thomas):

39. (a) Has Government any information touching the death of one Erurienren, a young Sobo, native of Oviri Village in the Forcados Division of Warri Province who was alleged by his relatives to be beaten to death about the month of November last year at the scene of dispute between the two communities, by people from Kiogbodo, a neighbouring village?

(b) Did the District Officer, Forcados, receive a report of the death? If so, what steps did he take to conduct an investigation into the case?

(c) Was an Inquest held? If so, what were the findings?

(d) Did the District Officer, Forcados, receive an application from the relatives of the deceased for a copy of the proceedings at the Inquest?

(e) Was the application granted? If not, why not?

Reply not yet ready.

The First Lagos Member (The Hon. H. S. A. Thomas):

40. (a) To ask for a statement—

(i) of the number of European officers who took local leave during each of the last three financial years, and

(ii) of Government expenditure in respect of the expenses incurred by European officers on local leave for each of those years?

(b) Is it a fact that there have recently been introduced revised Local Leave Regulations for European officers which provide extended privileges involving an increase in cash expenditure of Government?

(c) Does Government consider the introduction of such revised Local Leave Regulations justified at the present time of economic depression and financial stringency?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) (i) The only figures readily available are for the year ending 31st July, 1938, and are as follows:—

Department.	European Establishment (Approximate) 1.4.38.	No. of officers taking local leave.	Total of days.	Average of days per officer.
Accountant-General ..	22	11	98	8.9
Administrator-General ..	1	..	..	..
Agriculture	82	44	353	8.0
Analyst	3	2	22	11
Audit	20	1	11	11
Aviation .. ..	..	..	..	..
Colliery	19	9	90	10
Customs	18	9	58	6.4
Education	108	55	445	8.0
Forestry	52	17	203	11.9
Geological Survey ..	19	2	27	13.5
Inland Revenue	See Accountant-General	..	..	..
Judicial	22	10	94	9.4
Land and Survey	48	8	74	9.2
Legal	9	2	23	11.5
Marine	89	17	242	14.2
Medical Services ..	254	76	796	10.4
Meteorological Service ..	See Land and Survey.	..	..	..
Military	207	135	1,414	10.4
Mines	11	3	32	10.6
Police	76	33	373	11.3
Port Engineering and Traffic	15	1	8	8
Posts and Telegraphs ..	58	10	91	9.1
Printing	7	1	9	9
Prisons	14	5	42	8.4
*Provincial Administration	400	157	1,488	9.4
Public Works	233	57	483	8.4
Nigerian Secretariat ..	1†	..	..	..
Transport Directorate ..	3	..	..	..
Veterinary	34	11	131	11.9
Nigerian Railway	844	105	1,084	10.3
Confidential Clerk, S.P. ..	1	..	..	..
Confidential Clerk, N.P. ..	1	..	..	..

* Includes all Secretariats.

† Confidential Clerk and Official Reporter.

Figures for the previous and subsequent years could only be obtained by a prolonged search; and since there is every reason to believe that they would reveal little if any variation from those given above, the Honourable Member will perhaps agree that no useful purpose would be served by collating them.

(ii) Prolonged search would likewise be required to ascertain the total expenditure incurred during the past three years; and it is estimated that to produce the necessary figures at this stage for twelve months only would involve full time duty for two clerks for at least two months. In these circumstances the Government does not consider that the results would justify the time and labour involved. Arrangements have, however, been made, as from 1st January last, to maintain a record of such expenditure.

(b) and (c) No, Sir. The revised regulations are designed to impose limits upon the liabilities of the Government in this regard.

The First Lagos Member (The Hon. H. S. A. Thomas):

41. (a) Is it a fact that only one Post Office Pillar Box is provided in the Yaba Estate for the use of the residents there?

(b) Will Government consider the question of improving the postal facilities available in Yaba Estate by erecting a branch Post Office and more Pillar Boxes in that area?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir, but little use is made of it.

(b) A Branch Post Office at Yaba is included in the development programme of the Post Office Department, but no funds are available at present for this work. For the reason given at (a) additional pillar boxes appear not to be required.

The First Lagos Member (The Hon. H. S. A. Thomas):

42. Will Government be graciously pleased to reconsider its policy of transferring direct responsibility for elementary education in Nigeria to Missionary Bodies working in the country?

Answer:—

The Hon. the Chief Secretary to the Government:

No, Sir; the policy of Government is not as stated but is that elementary education should be provided by Native Administrations and Missions under the supervision of the Education Department.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

43. Is there any reason why the telephone service hours at Ijebu Ode should not be the same as they are at Abeokuta, since the rate is the same? The hours at Abeokuta for week days are from 7 a.m. to 9 p.m., and for Public Holidays and Sundays 8 a.m. to noon and 2 p.m. to 6 p.m.; whilst at Ijebu Ode for week days they are from 8 a.m. to noon and 2 p.m. to 5 p.m. with no service for both Public Holidays and Sundays.

Answer:—

The Hon. the Chief Secretary to the Government:

Yes, Sir: shortage of trained operators; but it is hoped to introduce extended hours at an early date.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

44. (a) Cannot anything be done to improve the method of road construction as at present being carried out in Ijebu Province with specific reference to Ijebu-Ikorodu Road and the Ijebu-Abeokuta Road?

(b) Is it the case that unsuitable ordinary soft red earth is being used instead of real laterite, and in some cases the earth's surface is not cut deep enough to gain proper level before being filled with ordinary sand and some percentage of local tar?

(c) Is it not possible to obtain a sufficient supply of stones and granite for the construction of the roads mentioned in place of the present soft red earth which is being used?

Answer:—

The Hon. the Director of Public Works:

(a) There are two methods of road surfacing in progress in the Ijebu Province—*viz.*, laterite wearing surface and bituminous wearing surface.

The laterite maintenance is carried out with the best material obtainable in the vicinity compatible with funds available.

The bituminous surfacing is accomplished by first bringing the road to the correct camber with the laterite material above referred to; it is then treated with bituminous emulsion and sand as a first coat, and bituminous emulsion and screened laterite gravel as the second coat and wearing surface. Some stretches near the source of supply are being treated with granite chips as the binding for the second coat. In view of the above and the small amount of funds available the answer to (a) is in the negative.

(b) No, Sir. The best material available is used and proper attention is paid to drainage and the level of the road surface.

(c) As the supply of granite is very limited it is not possible with funds available to obtain a sufficient supply for the construction of the roads mentioned. As indicated in (a) above a certain amount is used where possible.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

45. (a) Will Government consider the advisability of allowing motor traffic offences to be dealt with by Magistrates' Courts instead of by Native Courts?

(b) Is it the case that motor traffic offences such as inefficient brakes, over-speeding and over-loading are technically legal issues being tried at present in almost all the Native Courts in South-Western Nigeria?

(c) In view of the special training and experience required for motor traffic work which requires special training, will Government withdraw Native Administration Police at present working on various motor roads and confine motor work in South-Western Nigeria exclusively to the Nigerian Motor Traffic Police?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) and (b) Motor Traffic offences are heard in Magistrates' Courts, and in certain Native Courts only, in the Southern-Western Provinces. Of the nine Native Courts empowered to deal with these offences the only Courts which do so in practice are the Ake "A" Court, Abeokuta, the Ojaba Native Court, Ibadan, and the Oba's Court at Benin. During 1938 no appeal was lodged or review sought against the decisions of the Ake "A" Court at Abeokuta or of the Oba's Court at Benin, and of eighty-one cases heard by the Ojaba Native Court, Ibadan, in only four was the decision of the Court modified on appeal or review. In the circumstances Government sees no reason to suppose that the Courts referred to are not dealing adequately with motor traffic offences and is not disposed to confine the trial of such offences to Magistrates' Courts.

(c) The reply to (a) and (b) above indicates that Native Administration police are capable of conducting the prosecution of motor traffic cases. Government is aware that special training is necessary for motor traffic police, and at Abeokuta the Native Administration police are receiving special training from the Senior Assistant Superintendent of Police. It is hoped that similar training will be arranged for Native Administration police elsewhere in due course. In the circumstances Government sees no need to take the action suggested.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

46. Is it a fact that some European trading firms dealing in produce in Ibadan Area are exporting produce under a seal other than that of the Agricultural Inspection Department, a special press for which is supplied by the firms in question, and that this special and unofficial press is used for sealing bags of produce intended for export when such produce is considered by the Agricultural Inspection Department to be below the standard laid down by the Produce Regulations.

Answer:—

The Hon. the Acting Director of Agriculture:

No Sir, but Government has six special presses at Ibadan for sealing a mixture of "Light Crop" and "Main Crop" Cocoa, of which some 5,000 tons are to be exported by the United Africa Company, Limited, and it is thought that this is the special seal which the Honourable Member has in mind.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

47. (a) Is it the case that some prominent African holders of tickets to the last Yoruba Conference of Chiefs were refused admission despite the fact that they were at the gate at Mapo Hall, Ibadan, long before 10 a.m. on the 1st June, 1939, and that these gentlemen, including Ministers of Religion, a Member of the Legislative Council and a Reporter of a leading Lagos Journal, etc., received some rude treatment not only from the Police Constables at the gate, but from two European Assistant Superintendents of Police (one of them a British Inspector) and that they ignored messages sent to them by gentlemen at the gate?

(b) If so, does Government approve of such conduct?

(c) At future Conferences of Yoruba Chiefs will Government make such necessary arrangement as will render it impossible for holders of tickets to be turned away and arrange for a responsible Police Officer to be at the gate?

Reply not yet ready.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

48. How long will it be before the airmail leaving Port Harcourt early each Wednesday will be a guaranteed connection?

Answer:—

The Hon. the Chief Secretary to the Government:

It is not possible to guarantee this connection owing to the small margin of time; but failure to connect is nevertheless very rare.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

49. (a) Is Government giving full consideration to the possibility of extending trunk telephone facilities throughout Nigeria and particularly between Lagos and such ports as Burutu, Warri, Port Harcourt and Calabar?

(b) In view of the number of firms established and the large amount of business conducted in Nwanaiaba, will Government advise how soon that river station will be given full post office, telephone and telegraph facilities?

(c) What action is being taken to improve telephone or other communications between Bonny and Port Harcourt?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Yes. Trunk facilities are included in the programme of extensions to the Telephone System.

(b) As soon as funds can be provided.

(c) A Wireless Installation has been ordered for this service and will be erected as soon as received.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

50. As it appears to be an accepted fact that there is an urgent need for improved drainage in Port Harcourt, will Government consider making a grant for this purpose, and thus avoid the delays which are bound to occur should it be left to the local population with their insufficient means, to attempt to raise the large sum required, said to be in the neighbourhood of £16,000?

Answer:—

The Hon. the Chief Secretary to the Government:

Representations have not been made to Government but it is understood that the Township Advisory Board has appointed a sub-committee to examine this matter of drainage at Port Harcourt. Any request for financial assistance from Government by means of loan or grant, which may be received, will be considered in connection with the Annual Estimates, but funds for new services must necessarily be strictly limited.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

51. Having regard to the large area served by Port Harcourt Hospitals, will Government advise (a) what steps are being taken to arrange for a relief for the Pathologist who has proceeded on leave, and (b) will Government confirm that a relief will be available for the Radiologist who is due to leave Port Harcourt shortly?

Answer:—

The Hon. the Director of Medical Services:

(a) It is regretted that it is unlikely that Government will be able to post a Pathologist to Port Harcourt again until the establishment of Pathologists is increased and that

(b) owing to the reduction in the establishment of Radiographers it is not possible to provide a relief for the Radiographer at Port Harcourt while he is on leave.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

52. To ask Government what the present position is regarding the labour traffic between Nigeria and Fernando Po, and what efforts are being made to control this?

Answer:—

The Hon. the Chief Secretary to the Government:

The question of recruitment of Nigerian labour for work in Fernando Po together with the labourers' conditions of service on the island has recently been the subject of investigation by an Administrative Officer who has just returned from a visit to Fernando Po undertaken especially for the purpose. It is not felt that any statement of the position can profitably be made until his report has been received and considered by Government. The matter is, however, receiving close attention.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

53. When is it expected that the new pontoon for Oron will be placed in position?

Reply not yet ready.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

54. Will Government recommend that the present Warri Rest House be condemned and that a new one be built to replace it?

Answer:—

The Hon. the Chief Secretary to the Government:

A new Rest House will be built as soon as funds are available.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

55. Is Government satisfied that all reasonable precautions have been taken to prevent smuggling between French Cameroons and Nigeria, and that effective control is now being exercised?

Answer:—

The Hon. the Chief Secretary to the Government:

A preventive service of two European Police Officers and 138 other ranks is employed on this work.

As a result of periodical inspections and from reports received regularly, the Commissioner of Police is satisfied that the reasonable precautions that can be taken with this staff are taken.

It is apparent that wholly effective control could not be exercised except at a cost out of proportion to the results obtained. Patrols are carried out in the maze of creeks by a small river launch and canoes. Provision has been made for a sea going launch and when this is available greatly improved control may be looked for.

The Member for the Ibibio Division (The Hon. Nyong Essien):

56. Will Government be pleased to state why the period of appointment of Nominated Unofficial Members of the Legislative Council of Nigeria was reduced from five to three years and under what provision of the law, if any, the change was made?

Answer:—

The Hon. the Chief Secretary to the Government:

By virtue of Clause VII of an Order made by His Majesty in Council entitled The Nigeria (Legislative Council) Order in Council, 1922, Nominated Unofficial Members of the Council are appointed by the Governor by Instrument under the Public Seal, subject to disallowance or confirmation by His Majesty, for a period of five years or any lesser period as may be provided by that Instrument. The period itself is governed by the dictates of public policy.

The Member for the Ibibio Division (The Hon. Nyong Essien):

57. (a) Will the Government be pleased to state when its promise to establish a Postal Agency at Nwaniba be implemented?

(b) What are the reasons for the delay?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) A Post Office will be opened at Nwaniba as soon as possible.

(b) The delay is due to difficulties with regard to the site and building.

58. *Disallowed.*

The Member for the Ibibio Division (The Hon. Nyong Essien):

59. (a) Inviting attention of Government to the fact that Chiefs of the other parts of the Eastern Division of the Southern Provinces of Nigeria, such as Calabar, Bonny and Opobo have been and are being subsidised by the Government, would Government be pleased to consider it desirable to pay reasonable subsidy to the native inhabitants of Ibibio Division?

(b) If not, why not?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

60. Reference Government Notice No. 414, published on page 234 of *Nigeria Gazette* No. 21 of the 30th of March, 1939, to ask—

(a) Whether Government would be pleased to consider the desirability of including, as Members of the Visiting Committee to, and Visitors of the Prisons in each of the six districts of the Ibibio Division, the names of two selected members of the Ibibio Union from each of the districts to be recommended by the Union for the respective prisons; and the name of the Honourable Member for the Ibibio Division as a Visitor to and a Member of the Committees for the Prisons of the whole Division?

(b) If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The Honourable Member is no doubt aware that the power to nominate prison visitors and appoint visiting committees has been delegated to Residents. The question raised by the Honourable Member will be referred to the Resident, Calabar Province, for consideration.

(b) Does not arise.

The Member for the Ibibio Division (The Hon. Nyong Essien):

61. With reference to Government Notices Nos. 754-763 published on pages 424-426 of *Nigeria Gazette* No. 35 of the 15th of June, 1939, on the formation of School Committees, to ask:—

(a) Whether Government would be pleased to consider it desirable to include with the names of those persons already on the list, the names of deserving and/or reliable natives of the Ibibio

Division and that of the Honourable Member for the Division in the School Committee in the Calabar Province, according to the policy adopted in the other provinces of Nigeria?

(b) If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The Honourable Member is no doubt aware that the power to establish school committees and to appoint members thereto has been delegated to Chief Commissioners. The question raised by the Honourable Member will be referred to the Chief Commissioner, Eastern Provinces, for consideration.

(b) Does not arise.

62. *Disallowed.*

The Member for the Ibibio Division (The Hon. Nyong Essien):

63. Whether Nigeria has benefited from the bequests of the late Caroline Phelps Stokes of New York and if not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

Yes; the Phelps Stokes Trustees made a grant in 1920 in order to make possible the visit of a Commission to West Africa to study educational problems. The Commission spent approximately one month in Nigeria and published their findings in a book entitled "Education in Africa".

The Member for the Ibibio Division (The Hon. Nyong Essien):

64. Whether Government will consider the appointment of a fully qualified African in place of a European to take charge of the Education Training Centre of Uyo District where teachers are trained exclusively for duty in Native Administration Schools?

Answer:—

The Hon. the Director of Education:

The Government does not consider the suggestion to be practicable as there is at present no African available with all the qualifications and experience necessary for this important post.

The Member for the Ibibio Division (The Hon. Nyong Essien):

65. (a) Whether Government will consider improving the present Nigerian Police Uniform by substituting long trousers, jackets and helmets, etc., therefor?

(b) What substantial provision has Government made, by way of financial support, for unpensionable members of the Nigerian Police Force (Constables in particular) on and after their retirement, in consideration of their strenuous duties?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) The question of changing the uniform of the Nigeria Police is receiving consideration.

(b) Statutory provision for superannuation of the rank and file of the Nigeria Police is made in sections 14 and 15 of the Police Ordinance (No. 2 of 1930), which set out in full the conditions under which gratuities or pensions are paid to subordinate members of the Police on their retirement from the Service. A proposal is at present under consideration to extend to the rank and file of the Police Force the benefits of the Government Servants Provident Fund Ordinance, 1939.

The Member for the Ibibio Division (The Hon. Nyong Essien):

66. (a) How are prisoners put up in the yard and arranged in their gangs with respect to the nature of offences which ran them into gaol?

(b) What provision has Government made in Nigerian Prisons with a purpose to curing the criminals of their criminality in order to restore them law-abiding and useful citizens to the race, according to the modern system of imprisonment?

(c) Whether Government would be pleased to introduce effective Reformatory and Industrial Schools of the modern days into the Nigerian Prisons?

(d) If not, why not?

Reply not yet ready.

67. *Disallowed.*

The Member for the Ibibio Division (The Hon. Nyong Essien):

68. Would Government be pleased to state the reason or reasons for and the object of opening Cadet Inspectorship of the Police Force in Nigeria to Police Constables only and closing it against thoroughly educated members of the public?

Answer:—

The Hon. the Chief Secretary to the Government:

Experience has proved that the best results are obtained by enlisting young educated Africans as Constables and giving them practical police experience after training at the Enugu Police School.

The system of appointing young men with no previous police training as Cadet Inspectors has been given a fair trial and has not proved successful.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

69. What was the total number of German population in Nigeria on the 30th of June, 1927, including British Cameroons and what is it on the 30th of June, 1939?

Answer:—

The Hon. the Chief Secretary to the Government:

No figure is available for 1927 but that for May, 1939 is 441.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

70. (a) To ask what is the reason for the removal of the Point Duty Police at the dangerous cross roads leading to Campos Square from Bangboshe and Tokunboh Streets?

(b) In view of the great volume of vehicular traffic and the frequent accidents which occur on this spot to which attention has been drawn in the local press, will the Commissioner of Police be pleased to restore the Point Duty Service as early as possible?

(c) If not, what course will be adopted to prevent, as far as possible, these accidents and consequent dangers to life or limb?

Answer:—

The Hon. the Chief Secretary to the Government:

(a), (b) and (c) Arrangements have already been made to place a Constable on point duty at the cross roads mentioned during the hours when traffic is busy.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

71. (a) Is it true that according to Police Report, crimes have decreased in Lagos as a result of the Patrol System which is substituted for the placing of Police at various points in the streets of Lagos?

(b) If so, is it not possible that this decrease is due to the fact that many criminals now escape detection or arrest as no policeman is near by when the offence is committed?

(c) Would not the use of both systems give better results?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir: Statistics indicate that this is so.

(b) No, Sir: The statistics are based on the actual number of cases reported both by the Public and the Police and are not confined to cases in which arrests are made.

(c) There are not sufficient constables for the use of both systems and with the number available the patrol system undoubtedly gives the best results.

RESOLUTIONS.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move the following Resolution standing in my name:—

“Be it resolved: That the Report of the Finance Committee (Part I) which was laid on the table to-day, be adopted.”

Part I of the Finance Committee's Report, Sir, refers exclusively to financial provision additional to that approved in the Annual Estimates. It includes expenditure met from Revenue, Loan Expenditure, Railway Expenditure and Expenditure from Railway Renewals Fund. On referring to page 1 Honourable Members will see that the total additional provision to be met from revenue in respect of the financial year 1938-39 amounts to some £60,000, half of which is met by re-allocations, savings and other self-balancing items. The large item of additional provision under Railway Expenditure—£37,000—is almost entirely attributable to the depreciation of the value of investments held by the Railway on account of their Renewals Fund. For the financial year 1939-40 the additional provision authorised to date, to be met from revenue, amounts to £14,749—which is a large amount to have been approved early in the financial year particularly as £9,347 of this is unsupported by any savings. The reason for that, Sir, will be found on reference to the Schedule of additional provision for the month of May where it will be seen that a sum of £4,000 was voted as additional cost of a Customs launch required in the Cameroons Service and more than £4,000 has been voted to the Military Special Expenditure Head for Local Auxiliary Defence. Your Excellency, I beg to move.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

I beg to second.

The resolution was adopted.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move the following Resolution standing in my name:—

“ Be it resolved: That the Report of the Finance Committee
“ (Part II) which was laid on the table to-day, be
“ adopted.”

Part II of the Report refers to matters and items not necessarily involving additional financial provision. The major part of the Report is devoted to *ex-gratia* gratuities granted to non-pensionable employees on retirement. I might say, Sir, that it is to be hoped that the provision for this purpose should diminish in years to come now that a Provident Fund has been started for non-pensionable Government servants. That Provident Fund Ordinance, which was passed at the last Session of this Council, came into force on the 1st of July. Other items mentioned in this Part are the exemptions from Customs duties on motor cars which were imported during those days when this Council was in session in March last. There is also a proposal that Nigeria should

participate in a locust control scheme in co-operation with the French Colonial Government. There are other items in the Report which are self-explanatory. Your Excellency, I beg to move.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

I beg to second.

The resolution was adopted.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move that the Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924) be adopted.

The three changes, for which the approval of this Council is now sought, affect only the schedule of exemptions from duty. No change of the Customs Tariff is involved.

The first item, the amendment of exemption No. 8 introduces a new general principle. Hitherto, Native Administrations throughout Nigeria have enjoyed only a limited exemption from Customs duty, identical with that enjoyed by the Lagos Town Council, and only in respect of materials intended for Capital Works of construction. It is now intended that Native Administrations should be given full exemption for all goods imported or taken out of bond for them: this is in accordance with the policy of Government that Native Administrations are administrative and executive arms of the Central Government and their activities form together with those of the Central Administration, one comprehensive government.

The other two amendments involve no change of policy, Sir, but rather codify what is the existing or the standard practice. I refer to the manufacture of packages for the storage of petroleum in bulk and also for allowing stores for Consular representatives of foreign governments to be admitted into Nigeria free of customs duty. Your Excellency, I beg to move that the Resolution and Order be adopted.

The Hon. the Comptroller of Customs:

I beg to second.

The resolution was adopted.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move the following Resolution:—

“ Be it resolved: That this Council approves the award,
“ with effect from the date on which he attains his
“ fifty-fifth year, of a pension at the rate of £149 19s.

“ 9d. per annum, plus a gratuity of £385, to Mr. A. Gbogboade, formerly a Principal Customs Officer, Customs Department, who was granted permission to relinquish his appointment on his election to be the Olowu of Owu, Abeokuta ”.

I should explain, Sir, that no public officer can be granted a pension except in accordance with the law and it is provided that a pensionable officer of the African staff may not retire on pension until he has attained the age of fifty-five years; but in this instance it was in the public interest that Mr. Gbogboade should accept the invitation extended to him to join the Native Administration of his native land and in order to protect his pension rights when he does attain the age of fifty-five years, which he would otherwise sacrifice by leaving the service before attaining pensionable age, this Resolution is placed before this Council. Your Excellency, I beg to move.

the Hon. the Acting Deputy Financial Secretary:

I beg to second.

The resolution was adopted.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move the following Resolution:—

“ Be it resolved: That the Report of the Select Committee of this Council on the Bill entitled ‘ The Companies Income Tax Ordinance, 1939 ’, which was laid on the table to-day, be adopted.”

As Honourable Members will remember, this Bill was read a first time at the March Session of Council, and, following the debate the Bill was referred to a Select Committee by Your Excellency. Honourable Members will see on reference to the copies of the Report which have been given to each Member that the Committee recommends the enactment of the Bill subject to some twenty or more amendments, details of which are given in the Schedule to the Report. I invite attention particularly to the third paragraph where the Committee records its considered opinion that it is fair and reasonable that the revenue of Nigeria should receive a contribution from the profits made by commercial enterprise in Nigeria, profits which have hitherto been exported from Nigeria or have gone abroad free of any local tax. This is indeed the essence of the Committee's Report, and of the Bill submitted to Council.

I should like at once to acknowledge, gratefully, the helpful co-operation of the Members of the Select Committee and to extend to them the thanks of the Government for their valued services

and advice. I would like to thank, too, those other Members of the Council who gave the benefit of their knowledge and experience, and in particular my Honourable friend the Provisional Commercial Member for Lagos, for his aid.

The Committee met on several occasions, following a public announcement inviting representations, and while no applications were received from members of the public to appear before the Committee many suggestions were received from commercial interests, whose views were expressed in a comprehensive memorandum from the Joint West African Committee of the London Chamber of Commerce. With one or two important exceptions to which I will refer later, the representations received referred mainly to details of administration and application of the terms of the Bill, rather than to its principles. Some of the suggestions were found on examination to improve the Bill and are recommended for adoption.

The principle criticism of the Bill, a criticism which was recognised at the outset as being of fundamental importance, is dealt with in the fifth paragraph of the Report. It is that the provisions of the Bill apply only to registered or incorporated Companies, so that individual traders and partnerships escape the higher rate of tax imposed on Companies. This, the Committee recommends, should be changed, but a difficulty arose, as the definition in the Bill of what is a Company, is already as wide as it can be made, and therefore another solution had to be sought; after careful examination of a number of suggestions it was found that the most satisfactory plan would be to amend the Colony Taxation Ordinance and the Non-Natives Income Tax (Protectorate) Ordinance so as to impose a super tax, or surtax, on all individual incomes which exceed a certain amount, such an amount as can reasonably be regarded as the maximum which is likely to be earned as a salary in Nigeria. The recommendation which the Select Committee makes is that all income received by individuals or partnerships in excess of £3,000 per annum should be taxed at the same rate as that to be levied on Companies, that is to say, 12½%, although it is realised, unfortunately, that such an amendment of the existing law cannot equitably be made immediately, in the middle of the tax year, when, it is to be presumed, such persons as may be concerned have already been assessed for tax.

Other important changes recommended refer to exemptions one of which concerns income derived from Nigeria Stock. On examination no valid reason appeared why the interest received from Nigeria Loans should be given a general exemption from tax in Nigeria, and it is recommended that the Bill should be amended, so that the exemption should apply only to Companies

not trading in Nigeria. The Committee recommends that the existing income tax laws should be similarly amended as regards individuals.

The Report also recommends that the income tax which must be deducted by Companies from payments of mortgage or debentures interest to persons not resident in Nigeria should be at the minimum rate of tax under the Colony Taxation Ordinance *i.e.* 1½% at present) and not at the higher Company rate of 12½% as was originally provided in the draft Bill.

Another improvement recommended is that the period in which a Company may give notice of objection to the Commissioner's assessment should be forty-two days, instead of thirty days. The longer period gives ample time for local agents to consult their principals in England where necessary.

As I have said, the greater number of the suggestions received by the Select Committee, refer to matters of administration, rather than questions of principle. All the amendments to the Bill which are recommended are included in the Schedule to the Report and I do not propose to deal with each one in detail at this stage.

The Schedule includes some corrections of errors of drafting which were discovered, and also those amendments marked with an asterisk which were tabled for inclusion in the Bill when first presented to Council.

Finally, the Committee ventured to go rather beyond its terms of reference, and of normal procedure, by making two suggestions. First that the Income Tax Laws of Nigeria should be consolidated into one comprehensive enactment, a suggestion which has much to commend it, and which will receive early and careful consideration, and secondly with the object of saving the time of this Council by avoiding the need of moving each amendment separately, the Committee suggested that the Bill as originally submitted to Council at the March Session should be withdrawn, and that a new Bill, embodying the amendments recommended should be introduced. A revised Bill is accordingly submitted together with the Select Committee's Report, and subject to the adoption of the Report it is proposed to proceed as suggested.

Having given this general outline of the Report of the Select Committee, I beg to move that it be adopted, adding that should Honourable Members wish to discuss further any of the details of the Report, it will be possible to do so in Committee.

Your Excellency, I beg to move the adoption of the Select Committee's Report.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

I beg to second.

His Excellency:

The recommendation of the Select Committee as to the procedure which is to be adopted in connection with this Bill is a little unusual, and I think it will be good for Honourable Members that I should make clear what will be the result of that recommendation. The result will be that if that recommendation is approved when we come to debate upon the new Bill any general discussion of the principles of the Bill will be out of order because the principles of the Bill will have been accepted. In effect, that is to say, there will be no Second Reading debate. A further consequence of the adoption of that procedure will be that when we come to the Committee stage it will be out of order to move any amendment which will be contrary to the specific amendments referred to in the attachment to the Select Committee's Report, as those would have been adopted by the acceptance of that Report. The position, therefore, is that if Honourable Members wish to add anything to what was said during the debate last session they can do so now on the resolution. This is the time for them to raise general points. If they also wish to discuss any amendments in the new Bill which will involve the non-acceptance or the alteration of the amendments suggested by the Select Committee, now again will be the time to move those amendments and not during the Committee stage of the reading of the new Bill. But during the Committee stage of the new Bill will be the time to discuss any amendments which do not arise from the Report of the Select Committee. I hope that point is clear.

The recommendation of the Select Committee is an unusual one and involves the suspension of two standing orders but it was thought by the Select Committee to be the most convenient procedure.

Does any Honourable Member wish to address the Council upon the subject of the Resolution moved by the Honourable the Acting Financial Secretary?

The resolution was adopted.

MOTIONS.

The Hon. the Acting Financial Secretary:

Your Excellency, In accordance with the recommendation contained in paragraph 11 of the Report of the Select Committee, I beg to move that the Bill entitled "An Ordinance to impose an Income Tax upon Companies and to regulate the

collection thereof " be withdrawn, and that a new Bill embodying the amendments recommended by the Select Committee be introduced.

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

His Excellency:

I think we will take it that the question before the House is that this House will approve the withdrawal of the Bill in its present form and the substitution of the new Bill therefor.

The motion was adopted.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move the suspension of Standing Rules and Orders Nos. 30 and 34 in order to have read a first time and to carry through its remaining stages a Bill entitled " An Ordinance to impose an Income Tax upon Companies and to regulate the collection thereof."

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

The motion was adopted.

BILLS.

(First Reading.)

THE COMPANIES INCOME TAX ORDINANCE, 1939.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move that a Bill entitled " An Ordinance to impose an Income Tax upon Companies and to regulate the collection thereof " be read a first time. In view of the adoption of the Select Committee's Report it is unnecessary for me at this stage to give any description or statement of the principles of the Bill. Sir, I beg to move.

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

Bill read a first time.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to impose an Income Tax upon Companies and to regulate the collection thereof" be read a second time.

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

The Bill having passed through Committee without amendment the Council resumed, and on the motion of the Honourable the Acting Financial Secretary, seconded by the Honourable the Acting Deputy Financial Secretary, the Bill was read a third time and passed.

(First Reading.)**THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT)
ORDINANCE, 1939.*****The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Widows' and Orphans' Pension Ordinance" be read a first time.

I cannot better introduce this Bill, Sir, than by giving a brief historical survey of Widows' and Orphans' Pensions Schemes in general and the West African Widows' and Orphans' Pension Scheme in particular. Funds and Schemes for the grant of pensions to the widows and orphans of deceased officers have been a feature of the Colonial Service over a very long period of years. The first scheme for that purpose was started in British Guiana in the year 1873, and most of the more important Colonies had adopted a scheme of some kind before the end of the last century. Early in this century opinions changed as to the most suitable means of providing for these special pensions, and a general policy was then adopted of replacing separate and special funds by schemes, whereby the pensions became a statutory charge upon the revenues of the several Colonies and the contributions paid by officers were credited to revenue. By the year 1930 all the Colonies with one or two exceptions, had had their Widows' and Orphans' Pensions Systems converted to Schemes and practically all the Colonies had a scheme of some kind. The West African Widows' and Orphans' Pension Scheme was started on 1st January, 1914, and is compulsory for all officers appointed after

that date. As can be well imagined the real difficulty about starting a scheme of this kind is the assessment of a number of unknown quantities especially when relating prescribed contributions to possible benefits, particularly here in West Africa owing to the absence at that time of any reliable life or mortality statistics for Europeans resident on the Coast. So much was this so that the Government Actuaries in London, when compiling the statistical tables of contributions and benefits quite frankly left a substantial safety margin. It is a cardinal principle of such schemes that they should be supported by a Government contribution in some form, usually effected by allowing an excess of two per cent over the normal rate of interest earned by investments, but there was a growing belief that Colonies had been subsidising the schemes to a considerably less extent than was originally intended.

Separate accounts had not been maintained and periodical valuations were not held. So it was not possible to arrive at any definite conclusion but both the Colonial Governments and the officers themselves felt that all was not as it might be, and many representations were made to this effect.

This is the background, very briefly sketched, and inadequately, I fear, against which the general investigation and survey was ordered by the Secretary of State for the Colonies, and a representative Committee of Enquiry and Advice was set up in the year 1934 under the Chairmanship of the late Sir Alfred Watson.

The report of this Committee, now generally referred to as the Watson Report, has been adopted by this Colony, and I believe by most others, as an authoritative guide as to the principles and details of Widows' and Orphans' Pension Schemes and of Provident Funds.

The first immediate effect of this investigation locally was an amendment of the tables of benefits provided in the Ordinance which was done by Ordinances Nos. 44 of 1935 and 9 of 1936 and all registered pensions were revised accordingly where it was advantageous to the contributor, which was generally the case because of the improved mortality experience.

The next steps are contained in the Bill which I am introducing to this Council, the object of which is to remove or improve what are considered to be a number of peculiar and unsatisfactory provisions in the existing law.

The proposed changes are listed in the Objects and Reasons of the Bill and I will now briefly explain such of them as are not immediately self-explanatory.

The first item concerns the age at which pensions cease to be paid to boys who are beneficiaries under the Ordinance. This is raised from eighteen to twenty-one years. The law at present differentiates between boys and girls. Pensions are payable to girls up to the age of twenty-one and to boys up to the age of eighteen only. Since no satisfactory reasons exist to justify the retention of that differentiation it is intended that the age should be fixed at twenty-one for both. The second item refers to officers transferred from other Colonies to Nigeria. If they continue to contribute to the Scheme in the Colony which they have left, they need not contribute to the Nigerian scheme unless the amount they are paying is less than the amount required to be paid in Nigeria, in which case they will be required to pay the difference and will be given corresponding benefits.

The third item of the Objects and Reasons refers to additional contributions. It is the law at present that officers may pay additional contributions but it is considered that the Statutory contributions and benefits are adequate and that Government should not be called upon to subsidise the private thrift of its officers.

The fourth item removes a peculiar provision in the West African Widows' and Orphans' Pension Laws. It is the law at present that if an officer dies in circumstances that his service is not of such a nature or of such a length as will qualify him for pension had he retired on medical grounds, any pension payable to his widow or beneficiary shall be reduced by one-fifth, that is to say, four-fifths only of the pension according to the tables in the Ordinance would become payable. Whatever reasons there were for including this provision in the law, they are not apparent now and it is intended that in future when an officer dies in such circumstances the benefits for which he has paid shall be granted in full.

The fifth item, Sir, refers to dismissal for misconduct. It is the law at the present moment that if an officer is dismissed he forfeits all rights under the scheme, and this is considered to be unduly harsh, and the proposal in the Bill before the Council is that in such circumstances if he is a bachelor he shall receive his contribution back in full but with no interest, and if he has beneficiaries they shall benefit to the extent to which he has contributed at the time of his dismissal. In other words the beneficiaries will get what has been paid for.

The sixth item refers to refunds of contributions and while the Objects and Reasons given seem at first self-explanatory, I think, Sir, that a little further explanation will be illuminating. The provision under the existing law is unsatisfactory. At present if a bachelor or a widower without children of a pensionable age dies or leaves the service of Nigeria or if he is

transferred, he is granted a refund of one-half of his contributions only, without interest. This is particularly hard on an officer who is transferred from one Colony to another, especially if he should subsequently marry whilst still in the public service. It is now proposed that an officer who dies or who leaves the service shall be given his refund of contribution in full plus compound interest at the rate of $2\frac{1}{2}\%$ throughout the period of his service. Also on transfer he would be given the option of receiving a refund of his contribution plus interest or of allowing the amount to remain in the Nigerian scheme until he eventually retires or he may transfer it to a scheme existing in the new Colony. This, Sir, I am sure Honourable Members will agree, will correct what has been an unsatisfactory state of affairs and the Bill provides that this change shall have retro-active effect to the 1st of April, 1938.

The seventh item refers to clause 11 of the Bill which contains some new provisions giving concessions in the cases of officers who retire on grounds of ill-health, especially if such contributors die within three years of retirement.

The eighth part of the Objects and Reasons refers to clause 12 of the Bill which allows slightly increased benefits, as regards registered pensions, to contributors who retire in circumstances in which their service is not of such a nature or is not of such length as would entitle them to service pension. This clause will apply particularly in the case of retrenched officers.

This ends, Sir, my exposition of the various items of this Bill and of the circumstances which have led to it; but in conclusion I feel that I should make some reference to those further steps which naturally follow the adoption of the recommendations of the Watson Report. There are two important steps which have probably occurred to most of you during the course of my explanation.

There is the important question of funding the West African Widows' and Orphans' Pension Scheme. The position is that the recommendation is approved by this Government in principle, and ways and means are being examined, necessarily in conjunction with the other West African Governments, but there is no doubt that at present it is beyond the bounds of practical finance to inaugurate such a fund. Lastly, I would refer to the possibility and the obvious advantages of extending the benefits of a Widows' and Orphans' Pension Scheme to the African Staff. This is being examined, actively, but knowledge of facts and probabilities is all important. The primary difficulties are the lack of life and mortality statistics, as regards officers and their wives and children, and the plurality of wives. A census and survey is in progress to collect the necessary *data* for actuarial investigation of the problems which are inseparable from such a scheme. I am hopeful of the results of that investigation.

Your Excellency, with my apology for having taken so much time of the Council on this, to me most interesting subject, and I trust that I have made it interesting to Honourable Members, I beg to move that the Bill be read a first time.

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

Bill read a first time.

THE COLONY TAXATION (AMENDMENT NO. 2)
ORDINANCE, 1939.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move that a Bill entitled "A Ordinance to amend the Colony Taxation Ordinance, 1937," be read a first time. This Bill is intended to bring into force two amendments directly connected with the enactment of the Companies Income Tax Ordinance, affording relief from double taxation under both Ordinances. Firstly, as regards assessment and secondly as regards refunds of tax which has been twice paid, by deduction at the source or otherwise. Your Excellency, I beg to move.

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

Bill read a first time.

THE NON-NATIVES INCOME TAX (PROTECTORATE)
(AMENDMENT NO. 2) ORDINANCE, 1939.

The Hon. the Acting Financial Secretary:

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Non-Natives Income Tax (Protectorate) Ordinance, 1931, be read a first time. The provisions of this Bill are identical with those in the Bill which has just been read a first time except that they relate to the Protectorate and not the Colony. Your Excellency, I beg to move.

The Hon. the Acting Deputy Financial Secretary:

I beg to second.

Bill read a first time.

The Hon. the Acting Financial Secretary:

Your Excellency: I beg to give notice that I will move the second reading of these three Bills—"Widows' and Orphans' Pension Ordinance", "The Colony Taxation (Amendment No. 2) Ordinance, 1939," and "The Non-Natives Income Tax (Protectorate) (Amendment No. 2) Ordinance, 1939" at a subsequent meeting of this Council.

THE CRIMINAL CODE (AMENDMENT) (NO. 2) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move the first reading of a Bill entitled "An Ordinance to amend the Criminal Code". These amendments to the Criminal Code have been necessitated by the fact that the West African Coinage Order, 1938, made by His Majesty in Council in July, 1938, revoked the Nigeria Coinage Order, 1920, which reference is made in section 146 of the Criminal Code which defines one of the offences against currency. Clause 2 of the Bill will substitute the title of the new order for that of the revoked order in section 146. Clause 3 of the Bill will insert in the Criminal Code as section 160A penal provisions against the issue and circulation of promissory notes payable to bearer on demand, in which class bank notes come, which were in the Nigeria Coinage Order, 1920, but are not in the West African Coinage Order, 1938. It is thought that the provisions should be kept separate from the Currency Legislation, and this is the reason why they were omitted from the new Order made by His Majesty in Council, but it is still necessary that provisions penalising anyone who issues promissory notes made payable to bearer on demand should be made in section 160 (a) of the Criminal Code.

Your Excellency: I beg to move the first reading of this Bill.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

Bill read a first time.

THE PORTS (AMENDMENT) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move the first reading of a Bill entitled "An Ordinance to amend the Ports Ordinance".

This Bill will empower a Harbour Master to enter on any land and erect beacons for the guidance of shipping thereon, and, of course, also to re-enter in order to keep these beacons in good repair.

That power is embodied in clause 8 (a). Clause 8 (b) will require a Harbour Master who is exercising that power to give notice to the occupier of the land, if he is known, and also to the Resident of the Province in which the land is situated.

Clause 8 (c) will provide that compensation will be paid by Government for any damage resulting to crops or economic trees and will also provide the procedure for having the amount of compensation assessed by the Magistrate of the District. This will seldom happen because beacons are usually erected on sea shores, or on swampy lands alongside rivers which are usually barren. For these reasons these sections will be incorporated in the Ports Ordinance.

The amendment follows closely similar provisions which exist in the Telegraphs Ordinance. Your Excellency: I beg to move.

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a first time.

THE NIGERIA NAVAL DEFENCE FORCE (SUPPLEMENTAL) (REPEAL)
ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move the first reading of a Bill entitled " An Ordinance to repeal the Nigeria Naval Defence Force (Supplemental) Ordinance, 1938 ".

Honourable Members will remember that at the November Session of this Council a Bill was passed for the Nigeria Naval Defence (Supplemental) Forces Ordinance, 1938. That Bill was introduced under the Colonial Naval Defence Act, 1931. It was one of the measures for strengthening the defences of Nigeria which followed the Munich crisis last September, and, in the hurry to get this Bill drafted and published in time for the Legislative Council meeting in November, 1938, the fact was overlooked that the Colonial Defence Act, 1931, empowered only Colonies to have vessels of war and that power did not extend to a Protectorate. The Ordinance which is in the Statute Book of 1938 therefore has no validity because it is *ultra vires* of the parent Act, and it is thought best to repeal it and to enact in its place an Ordinance in almost identical terms, limited in its application to the Colony, therefore I move the first reading of that Bill.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

Bill read a first time.

THE NIGERIA NAVAL DEFENCE FORCE (SUPPLEMENTAL)
ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move the first reading of a Bill entitled "An Ordinance to supplement the Nigeria Naval Defence Force Ordinance, 1937, and provide further for Naval Defence".

This Bill which, as I said a few moments ago, will be substituted for the one the repeal of which I have moved, is in identical terms with those of the Ordinance that it is proposed to repeal, except in its application to the Colony.

Clause 3 of the Bill will enable Your Excellency in Council to provide ships for the defence of Nigeria and to place those ships, you deem fit, at the disposal of His Majesty's Navy.

Clause 4 of the Bill will make the officers and men of the Nigeria Naval Defence Force liable for service in those ships outside the territorial waters.

Clause 5 will apply to the Naval Defence Force the provisions of the Royal Navy Discipline Act subject to the amendments contained in the schedule to this Bill.

Clause 6 will provide that members of the Naval Defence Force who join it on the express understanding that they will be liable for service in the Royal Navy in emergency shall be members of the Nigeria Royal Naval Volunteer Reserve Force.

Clause 7 empowers Your Excellency in Council to place the services of these officers and men at the disposal of the Royal Navy. Your Excellency: I beg to move.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

Bill read a first time.

The Hon. the Acting Attorney-General:

Your Excellency: I give notice that at a later stage of the meeting of this Council I will move the second and third readings of the four Bills standing in my name.

ADJOURNMENT.

Council adjourned at 11.15 a.m. until 10 a.m. on Tuesday the 11th of July, 1939.



DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Tuesday, 11th July, 1939.

In pursuance of notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 11th of July, 1939.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Acting Chief Commissioner, Western Provinces,
His Honour H. F. M. White.
- The Acting Attorney-General,
The Honourable C. W. W. Greenidge.
- The Acting Financial Secretary,
The Honourable S. R. Marlow.
- The Acting Commandant,
Colonel, the Honourable H. C. T. Stronge, D.S.O., M.C.
- The Director of Medical Services,
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.,
O.B.E.

- The Director of Education,
The Honourable E. G. Morris, O.B.E.
- The Acting Director of Marine,
Commander, the Honourable G. W. Trinick, E.D., R.N.R.
- The Comptroller of Customs,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall.
- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Oyo Province,
Captain, the Honourable E. J. G. Kelly, M.C.
- The Resident, Owerri Province,
The Honourable F. B. Carr.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The General Manager of the Railway,
The Honourable J. H. McEwen.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Acting Director of Agriculture,
Dr., the Honourable G. Bryce, O.B.E.
- Captain, the Honourable A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.

UNOFFICIAL MEMBERS:

- The Member for Shipping,
The Honourable H. S. Fegetter.
- The Member for the Egba Division,
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,
Dr., the Honourable H. Carr, O.B.E., I.S.O., D.C.I.
- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.

- The Member for Calabar,
The Reverend and Honourable O. Efiang.
- The Member for the Ibibio Division,
The Honourable N. Essien.
- The Member for the Ijebu Division,
Dr., the Honourable N. T. Olusoga.
- The Second Lagos Member,
Dr., the Honourable K. A. Abayomi, M.D.
- The Third Lagos Member,
The Honourable O. Alakija.
- The First Lagos Member,
The Honourable H. S. A. Thomas.
- The Member for Mining,
Major, the Honourable H. H. W. Boyes, M.C.
- The Commercial Member for Port Harcourt (Provisional),
The Honourable F. Edmondson.
- The Commercial Member for Kano (Provisional),
The Honourable F. P. Mackenzie.
- The Commercial Member for Lagos (Provisional),
The Honourable J. F. Winter.

ABSENT.

OFFICIAL MEMBERS.

- The Director of Transport,
The Honourable G. V. O. Bulkeley, C.B.E.
- The Senior Resident, Ilorin Province,
The Honourable F. de F. Daniel.
- The Senior Resident, Bauchi Province,
The Honourable W. O. P. Rosedale.
- The Secretary, Northern Provinces,
The Honourable A. E. V. Walwyn.
- The Resident, Niger Province,
The Honourable P. G. Harris.
- The Resident, Bornu Province,
The Honourable P. G. Butcher.
- The Resident, Ogoja Province,
The Honourable K. V. Hanitsch.
- The Resident, Adamawa Province,
Captain, the Honourable E. W. Thompstone, M.C.

UNOFFICIAL MEMBER.

- The Commercial Member for Calabar (Provisional),
The Honourable N. B. Edwards.

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 10th July, 1939, having been printed and circulated to Honourable Members were taken as read and confirmed.

QUESTIONS.

The Member for the Ibibio Division (The Hon. Nyong Essien):

1. (*Question No. 5 of the 10th of July, 1939*). What were the accounts of the cost of the escort?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

2. (*Question No. 12 of the 10th of July, 1939*). To ask the Honourable the Director of Education—

(a) What is the total number of teachers who have completed their training in the various assisted training institutions and colleges in Nigeria within the last fifteen years?

(b) What is the total sum of money spent by the Government of Nigeria on the training of those teachers?

(c) How many of those teachers are still teaching in the country?

(d) What percentage of the teachers so trained have left the teaching profession in Nigeria?

(e) What are the main reasons for those teachers leaving the profession?

(f) How does the Government of Nigeria propose, as far as lies in its power, to remove the chief causes of the exodus of those teachers from the profession?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

3. (*Question No. 14 of the 10th of July, 1939*). To ask the Honourable the Director of Education—

(a) How many of the existing educational institutions in Nigeria have been established by natives of Nigeria within the last five years?

(b) Who are the proprietors of those institutions?

(c) In what ways does the Government of Nigeria encourage those institutions to attain to an appreciable standard of efficiency and take their rightful place among the educational institutions in the country?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

4. (Question No. 16 of the 10th of July, 1939). With reference to a Deed of Gift dated 29th December, 1902, signed between Obon Adam Ephraim Adam, Prince Egbo Archibong II, Chief Abasi Eyo Andem and Prince Adam Duke IX, representing the Duke Town families, Calabar, on the one side, and Sir Ralph Moor representing the Government on the other in respect of a piece of land said to be partly occupied by the Elder Dempster Lines offices and workshops at Calabar, to ask—

(a) Whether any representation has been made to Government on behalf of the Grantors alleging that certain conditions of that Deed have been contravened by Government? And if so,

(b) When was the first representation made and how many reminders have been sent to Government on the matter and what were the dates and terms of Government replies to those letters and reminders?

(c) Whether it is a fact that as far back as the 24th of September, 1937, the District Officer, Land Section, Calabar, had informed the Duke Town Etuboms as representatives of the landowners in writing that he was "awaiting a reply from Lagos regarding this question"?

(d) Whether it is also a fact that in answer to repeated reminders, the District Officer, Land Section, about a year later, that is on the 30th of August, 1938, again wrote regarding the same question "a full report was submitted to Government some weeks ago and a reply is expected shortly"?

(e) Whether through further delay to satisfy the claims of the people a petition dated the 26th of October, 1938, was addressed to His Excellency the Governor on the matter and the receipt of it acknowledged by the Secretary, Southern Provinces, on the 12th of December, 1938?

(f) Whether up to the present the claims of the people have been satisfied or a final settlement reached and if not why has there been no settlement for the protracted period of two years?

(g) Whether the site now occupied by the Elder Dempster Lines offices and workshops in Calabar is part of the land granted to Government by the Deed of the 29th of December, 1902, referred to above?

(h) If the answer to (g) is in the affirmative to ask whether Government in subletting the land has fulfilled to the letter all the conditions of the Deed?

(i) If the answer to (g) is in the negative to ask by what Deed or authority is Government enjoying the right to control, and collect the rents from, that piece of land occupied by Elder Dempster Lines offices and workshops?

(j) To ask for the name of the company or person to which the land which is the subject of this question was first leased, whose consent was obtained, the annual rental paid and also the total amount of rent collected by Government from the original date it was leased up to the present?

(k) To ask whether the consent of all the Duke Town families was obtained before the said piece of land was leased by Government before, during or since 1914, and whether such consent was indicated by the signatures of the heads or representatives of all the families concerned as was the case when the original Deed was signed in 1902?

(l) Whether by virtue of the fact that Government is no more using the said piece of land for "public purposes" but has leased it to a private firm in return for payment, will Government consider the advisability of delivering the land to the Grantors and paying to them all rents collected therefrom without further delay and to ask what reasons there are if the answer is in the negative?

Reply not yet ready.

The Member for Calabar (The Hon. Rev. O. Efiang):

5. (Question No. 20 of the 10th of July, 1939). In view of the state of Calabar and Calabar Province in the event of war, will Government consider the need of sending a detachment of the Nigeria Regiment for a permanent stay in Calabar? If not,

(a) What will happen to all the public buildings?

(b) To what use will Government put the new barracks where soldiers used to stay?

Reply not yet ready.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

6. (Question No. 26 of the 10th of July, 1939). In the matter of the petition of one Yesufu Ajadi, representing all the members of the Amunigun family, sent through the Olubadan in Council and dated 7th of September, 1938, re compensation for acquisition of farmland at Tapa Village, to ask the Government:—

(a) Whether name of Amunigun was included in the list of names of those who had received compensation for the area in question, acquired by the Government during the time of Bale Shittu?

(b) Will the Government please give (i) the names of those representatives of families to whom compensation had been paid?

(ii) What family was represented by each to whom compensation had been paid? (iii) How much was paid to each?

(c) Is it a fact that the village of Tapa belonging to Amunigun family in the area in question was burnt down by order of the Government on the 11th of October, 1938? And if so,

(d) Whether the members of the family had been informed and required to move from the village before it was set on fire?

(e) Whether they refused to move?

(f) Whether in case of their refusal to move the Government had given them opportunity to state their case either in a Native of Protectorate before the village was burnt?

Reply not yet ready.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

7. (Question No. 36 of the 10th of July, 1939). (a) Is it true that, in spite of the fact that Iperu, a district in Ijebu Remo Division of Ijebu Province, is heavily infested with guinea worm and that the nearest stream from which potable water can be drawn is three miles away, Government contemplate discontinuing the supply of pipe-borne water which was begun in 1937, at a cost of £494 14s. 4d.? If so,

(b) Why has the petition of the people, which was submitted through the Resident, wherein they express willingness to accept a flat water rate similar to that in force at Ijebu Ode and at other places in Nigeria or any other rate imposed by Government not received favourable consideration?

(c) Why was the sum of £2,000 provided for in the 1938-39 Estimates not spent on this work of water supply?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) A pipe-borne water supply scheme for Iperu estimated to cost £5,576 and financed by the Native Administration is under consideration. The Public Works Department has approved the plans and estimate but commencement has been delayed pending decisions as to the system of rating to be adopted and the amount to be raised as annual charges.

(b) The people of Iperu do not desire a rating scheme based on the value of tenements but have stated that they will agree to a flat rate on all adults. Further consideration will be given to their wishes when the full amount of the annual charges to be levied is known.

(c) Work has not been begun owing to the reasons given in (a) and (b) above.

The First Lagos Member (The Hon. H. S. A. Thomas):

8. (Question No. 39 of the 10th of July, 1939). (a) Has Government any information touching the death of one Erurienren, a young Sobo, native of Oviri Village in the Forcados Division of Warri Province who was alleged by his relatives to be beaten to death about the month of November last year at the scene of dispute between the two communities, by people from Kiogbodo, a neighbouring village?

(b) Did the District Officer, Forcados, receive a report of the death? If so, what steps did he take to conduct an investigation into the case?

(c) Was an Inquest held? If so, what were the findings?

(d) Did the District Officer, Forcados, receive an application from the relatives of the deceased for a copy of the proceedings at the Inquest?

(e) Was the application granted? If not, why not?

Reply not yet ready.

The Member for the Ijebu Division (The Hon. Dr. N. T. Olusoga):

9. (Question No. 47 of the 10th of July, 1939). (a) Is it the case that some prominent African holders of tickets to the last Yoruba Conference of Chiefs were refused admission despite the fact that they were at the gate at Mapo Hall, Ibadan, long before 10 a.m. on the 1st June, 1939, and that these gentlemen, including Ministers of Religion, a Member of the Legislative Council and a Reporter of a leading Lagos Journal, etc., received some rude treatment not only from the Police Constables at the gate, but from two European Assistant Superintendents of Police (one of them a British Inspector) and that they ignored messages sent to them by gentlemen at the gate?

(b) If so, does Government approve of such conduct?

(c) At future Conferences of Yoruba Chiefs will Government make such necessary arrangement as will render it impossible for holders of tickets to be turned away and arrange for a responsible Police Officer to be at the gate?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) and (b) The facts are as follows. At 9.45 a.m. on the 1st June, a quarter of an hour after the scheduled time, the gates of Mapo Hall were closed and no further admittance allowed. Some-time after 10 a.m. a note was brought from the gate requesting admittance and this was refused. The Commissioner of Police reports that there was no discourtesy of any kind.

(c) Provided that ticket holders arrive in time the Honourable Member can rest assured that they will not be turned away at the gate.

The Commercial Member for Port Harcourt (Provisional) (The Hon. F. Edmondson):

10. (Question No. 53 of the 10th of July, 1939). When is it expected that the new pontoon for Oron will be placed in position?

Answer:—

The Hon. the Director of Public Works:

Designs for a new pontoon and estimates of cost are being prepared but it is not possible to state at present when the pontoon will be constructed.

The Member for the Ibibio Division (The Hon. Nyong Essien):

11. (Question No. 59 of the 10th of July, 1939). (a) Inviting attention of Government to the fact that Chiefs of the other parts of the Eastern Division of the Southern Provinces of Nigeria, such as Calabar, Bonny and Opobo have been and are being subsidised by the Government, would Government be pleased to consider it desirable to pay reasonable subsidy to the native inhabitants of Ibibio Division?

(b) If not, why not?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

12. (Question No. 66 of the 10th of July, 1939). (a) How are prisoners put up in the yard and arranged in their gangs with respect to the nature of offences which ran them into gaol?

(b) What provision has Government made in Nigerian Prisons with a purpose to curing the criminals of their criminality in order to restore them law-abiding and useful citizens to the race, according to the modern system of imprisonment?

(c) Whether Government would be pleased to introduce effective Reformatory and Industrial Schools of the modern days into the Nigerian Prisons?

(d) If not, why not?

Reply not yet ready.

His Excellency:

I wish to address Honourable Members on the subject of questions. I think it was at the last meeting of the Council that I had an occasion to make an appeal to Honourable Members that they should try to send in their questions a little earlier. Now on the question paper yesterday out of seventy-two questions there were twelve to which the answers were not ready. I was very much surprised at the small number of unanswered questions, because out of the seventy-two questions, notice of thirty-four was only received on the last day or in some cases actually after the very last day allowed by Standing Orders. If Honourable Members from outstations send in complicated questions from their districts to Headquarters only ten days before the meeting of the Council I am afraid that in many cases the reply they will receive will be—"Reply not yet ready."

There is no earthly reason why these questions should not have been asked long before. I think Honourable Members will be doing a service to themselves, this Council and everybody else if, directly one meeting is over, they begin to consider the questions they wish to ask at the next.

There is also the question of disallowance of questions. Now out of these seventy-two questions I have disallowed four. As a matter of fact, if I had interpreted my duties as President of the Council very strictly, I should have disallowed another half a dozen.

Questions are only disallowed if they contravene Standing Rules and Orders as to the way the questions are framed. These Standing Rules are very clear and I should like to draw the attention of the Honourable Members particularly to Standing Orders Nos. 9 (7), 9 (8), 9 (9) and 9 (10). These are the Standing Orders which are more usually infringed. I think there is the impression in some quarters that I sometimes disallow questions because the Govern-

ment does not wish to answer them. That is not the case. Questions are only disallowed because they infringe Standing Orders. Now it is true that the President may disallow any question on the ground of public policy but actually during the four years approximately that I have been President of this Council I have not disallowed questions at all on that ground.

It is obvious a case might arise in which it would not be in the public interest that a public answer should be given to certain questions which might involve the revealing of State secrets, but this Government is only too anxious to give clear answers to all questions directly they are properly asked. Government finds it an excellent opportunity of explaining to the public circumstances in regard to which there has been possible misapprehension as to the good faith of the Government.

Now there is one other thing I would like to say on the subject. Honourable Members who are willing may ask supplementary questions for the purpose of further elucidating any matter to which answer has been given. Now I have never known any Member of this Council yet to ask supplementary questions. On the other hand I am sure there are occasions on which Members are not completely satisfied with the answer they have had and would have liked to ask a supplementary question had they been given a clear opportunity to do so.

I propose, therefore, that in future we should follow the procedure which has been followed elsewhere and instead of the clerk only reading the numbers of the questions to which an oral reply has been requested he should read out the numbers of the questions starting from one to the end, not very slowly, but slowly enough to give any member who wishes to ask supplementary question a specific opportunity for doing so. I think that will be a useful change of procedure. I do hope Honourable Members, particularly those from outstations, will send in their questions in time to give the Government an opportunity to answer them.

BILLS.

(Second and Third Readings.)

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE,
1939.

The Hon. the Acting Financial Secretary:

Your Excellency: I beg to move that a Bill entitled "An Ordinance to amend the Widows' and Orphans' Pension Ordinance" be read a second time.

The Hon. the Acting Deputy Financial Secretary:

Your Excellency: I beg to second.

Bill read a second time.

Council in Committee.

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Financial Secretary, seconded by the Honourable the Acting Deputy Financial Secretary, the Bill was read a third time and passed.

THE COLONY TAXATION (AMENDMENT NO. 2) ORDINANCE, 1939.

The Hon. the Acting Financial Secretary:

Your Excellency: I beg to move that a Bill entitled " An Ordinance to amend the Colony Taxation Ordinance, 1937 ", be read a second time.

The Hon. the Acting Deputy Financial Secretary:

Your Excellency: I beg to second.

The Hon. the Chief Secretary to the Government:

Your Excellency: I have no comment to make on the amendment proposed in this particular Bill but it has given me an opportunity which I should like to take to refer to a matter which has now been exercising the minds of certain people in Lagos and which has been described in the Press and elsewhere as taxation of schoolboys. Now the principal Ordinance, as Honourable Members know, provides, in effect, that every able-bodied male person of or above the age of sixteen years is liable to pay the tax imposed by that Ordinance. The Ordinance, in so far as schoolboys and students are concerned, makes certain exemptions and clause 8 which deals with these particular exemptions reads as follows:—

“ There shall be exempted from the payment of tax under this part of the Ordinance students who are in regular attendance—

(i) in classes III, IV, V, or VI at any approved Middle School or

(ii) at any approved Training Centre or other approved College or Institution

for the purpose of receiving secondary or higher education as teachers, priests, pastors or evangelists.”

The clause sets out the particular schools and colleges the students of which are exempt from the payment of this tax; but I find that there are other approved schools in Lagos which are not included

in this exemption clause, and I believe there are children attending them who are over the age of sixteen years and it is in respect of these children that this controversy has arisen.

Government has considered the matter and feels there is room for an amendment of the Ordinance which will provide for exemption from payment of tax of these children where it is reasonable to do so. As Honourable Members know, while under the law, strictly speaking, these particular students are at present obliged to pay tax that law has not, in effect, been enforced and it is the intention of the Government that it should not be enforced until the amendment to which I have referred has been made to the principal Ordinance.

Bill read a second time.

Council in Committee.

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Financial Secretary, seconded by the Honourable the Acting Deputy Financial Secretary, the Bill was read a third time and passed.

THE NON-NATIVES INCOME TAX (PROTECTORATE) (AMENDMENT No. 2)
ORDINANCE, 1939.

The Hon. the Acting Financial Secretary:

Your Excellency: I beg to move that a Bill entitled "An Ordinance to amend the Non-Natives Income Tax (Protectorate) Ordinance, 1931", be read a second time.

The Hon. the Acting Deputy Financial Secretary:

Your Excellency: I beg to second.

Bill read a second time.

Council in Committee.

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Acting Financial Secretary, seconded by the Honourable the Acting Deputy Financial Secretary, the Bill was read a third time and passed.

THE CRIMINAL CODE (AMENDMENT) (No. 2) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move that a Bill entitled "An Ordinance to amend the Criminal Code" be read a second time.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

Bill read a second time.

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 Deputy Chief Secretary, the Bill was read a third time and passed.

THE PORTS (AMENDMENT) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move that a Bill entitled "An Ordinance to amend the Ports Ordinance" be read a second time.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

Your Excellency: I should like to be permitted to offer some criticisms with regard to clause 2 under compensation for damage mentioned in 8(c). This paragraph is ended by the usual phraseology we are accustomed to in this House. The portion I am referring to is "In case of a dispute as to the amount of compensation payable the same shall be determined by a Magistrate exercising jurisdiction in the place where the land is situate and the decision of the Magistrate shall be final."

Your Excellency: I have always said in this House that I do not like the idea of fettering the right of appeal. It leads to all sorts of things and I do not know the reason why this clause is put in this particular Ordinance. This morning I had the opportunity of hinting the Honourable the Attorney-General that I would like to make some criticisms on this part of the Ordinance.

Your Excellency: This clause is objectionable for three reasons. One is that it increases the jurisdiction of the Magistrate who is to deal with the compensation payable. If, for the purpose of argument, this is assessed at £200 no Magistrate is allowed to deal with the case. A Magistrate with limited powers deals with cases up to £25. The Senior Magistrates up to £100 and Magistrates in Lagos deal with cases up to £50 so that if compensation is payable up to the extent of £200 a Magistrate should not be allowed to deal with it. It will also raise a complicated position in that a counsel can raise objection that the Magistrate has no jurisdiction to try

the case. If it is argued that the Magistrate in this instance would be acting as an Arbitrator, that is a different position; because no Arbitrator can act as such unless by consent of both parties. This is the first objection.

Now Sir, the second objection is this, that it will certainly create suspicion. When an Ordinance or a Bill is brought before the Council it is expected that people on whose behalf the Bill is presented will have no suspicion, especially when it is known that adequate compensation will be paid for their land but once a clause is put in, introducing a restriction that a Magistrate's decision is final, people become suspicious about their right and their confidence is shaken.

I will tell Your Excellency a case which happened in the Court, that was at the time when the Court was congested and the Judges were sitting in both Courts at Tinubu Square. A place was provided downstairs in which a Judge sat. I had a case which was listed before the late Sir Frederick Van der Muelen; at that time he was sitting downstairs and he tried the case and on certain suggestions made by him I submitted to judgment. My client was not satisfied although he agreed to the judgment at the time and came back about four months later to report to Sir Frederick sitting in the Supreme Court upstairs and he said "I gave my lawyer a case to conduct before a Superior Court but instead of that he took me before a small boy downstairs, wearing wig and gown just like your own and I was fooled into submitting to a so-called judgment." I reminded Sir Frederick that he was the small boy who sat down there and my client said, "If my case is decided where I stand now I shall be perfectly satisfied."

A litigant sometimes says "Take my case to the Resident, take my case to the Governor, take my case to the High Court." When the final decision is given he is satisfied. He feels that justice has been done. So that I think that if this provision is put on the same basis as any other case so that when the amount of compensation is within the Magistrate's jurisdiction, any person who is not satisfied with the amount of compensation awarded can go to the higher court and get his compensation assessed.

Now the third reason is that it may be subject to abuses. I say this in all seriousness. I had a friend, an old retired Magistrate, whom we all liked. He once invited me to his Chamber as I was going out of Court. He said "Listen to this case. I want your opinion." After narrating the case he said, "the plaintiff annoyed me this morning and I gave judgment against him." I said he would appeal and his appeal will succeed. He said "but he can't appeal because the amount is under £10".

That is human nature Your Excellency. He must have felt himself that he was wrong when he gave judgment and he knew that his judgment would be set aside on appeal if the plaintiff could have appealed. Let the Ordinance or Bill provide that an aggrieved person should go first of all to any Court that has jurisdiction to hear his case according to the value of the damage done. If it is over £10 then he could appeal to the High Court or Supreme Court. If it is over £50 he could go to the West African Court of Appeal and have his final judgment there. If that part of the Bill is corrected Sir, I have no other criticism to offer.

His Excellency:

Does any Honourable Member wish to address the Council on this amendment?

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Your Excellency: I wish to follow up what the Honourable the Member for the Egba Division has said. In this connection I wish to offer two advices Your Excellency. The first is section 8 (a) subsection (b). Now with regard to that Sir, I know very well that so far as the Eastern Provinces are concerned the natives are very sensitive when it comes to matter of their land and I am advising Your Excellency to see that the moment this Ordinance is made into Law it be explained to all the Native Administration Councils so that the people may know exactly the position. I remember not very long ago when a Survey Party went round the Abak District and all the trouble they had about the question of surveying land I think that if the Administrative Officers are active in the matter of this sort by at once informing all the Native Administration Councils the effect of this Ordinance might be circulated and there will be less trouble. The next is the question of compensation which the Honourable Member has referred to. It is a question of this Ordinance simply empowering someone to acquire a portion of land. Now in all Land Acquisition Ordinances there is no provision which says that the decision of the Magistrate is final. The Native Land Acquisition Ordinance does not make such provision and I do not see the reason why in this particular Bill it should be so.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency: I rise to support the opinion expressed by the Honourable the Member for the Egba Division. It is very difficult to make people believe, when they see an Ordinance like this, that the Government is doing very well by them. In the first place, when it comes to a dispute between individuals they can go to Appeal Court but when it comes to a case between Government and individuals it must certainly cause a great deal of dissatisfaction

His Excellency:

Does the Honourable Member wish to press his amendment?

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

Your Excellency: I will do so at the Committee stage.

Bill read a second time.

Council in Committee.

*Clause 2.***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

Your Excellency: I move that in clause 2 sub-clause 8 (c) the words " and the decision of the Magistrate shall be final " should be deleted.

His Excellency:

The question is that the words " and the decision of the Magistrate shall be final " in the last two lines of clause 2 be deleted, and a full stop inserted immediately after the word " situate ".

The amendment was adopted.

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Acting Deputy Financial Secretary, the Bill was read a third time and passed.

THE NIGERIA NAVAL DEFENCE FORCE (SUPPLEMENTAL)
(REPEAL) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move that a Bill entitled " An Ordinance to repeal the Nigeria Naval Defence Force (Supplemental) Ordinance, 1938 ", be read a second time.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

Bill read a second time.

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 Deputy Chief Secretary, the Bill was read a third time and passed.

THE NIGERIA NAVAL DEFENCE FORCE (SUPPLEMENTAL)
ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency: I beg to move that a Bill entitled "An Ordinance to Supplement the Nigeria Naval Defence Force Ordinance, 1937, and provide further for Naval Defence", be read a second time.

The Hon. the Deputy Chief Secretary:

Your Excellency: I beg to second.

Bill read a second time.

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 Deputy Chief Secretary, the Bill was read a third time and passed.

ADJOURNMENT.

The Council adjourned at 10.43 a.m. sine die.

DEBATES
IN THE
LEGISLATIVE COUNCIL
OF
NIGERIA

ON
Wednesday, 27th September, 1939.

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Wednesday, the 27th of September, 1939.

PRESENT.

OFFICIAL MEMBERS.

The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.

The Chief Secretary to the Government,
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.

The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.

The Acting Attorney-General,
The Honourable C. W. W. Greenidge.

The Acting Financial Secretary,
The Honourable S. R. Marlow.

The Director of Medical Services,
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.,
O.B.E.

The Director of Education,
The Honourable E. G. Morris, O.B.E.

The Director of Marine,
Commander The Honourable A. V. P. Ivey, R.D., R.N.R.

The Comptroller of Customs,
The Honourable A. E. V. Barton, C.B.E.

The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall.

The General Manager of the Railway,
The Honourable J. H. McEwen.

The Director of Public Works,
The Honourable S. J. W. Gooch.

UNOFFICIAL MEMBERS.

The Member for the Egba Division,
The Honourable A. Alakija, C.B.E.

The Member for the Colony Division,
Dr. The Honourable H. Carr, D.C.L., O.B.E., I.S.O.

The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.

The Member for the Rivers Division,
The Honourable S. B. Rhodes.

The Banking Member,
The Honourable D. D. Gibb.

The Commercial Member for Lagos,
The Honourable R. M. Williams.

The Member for Calabar,
The Reverend and Honourable O. Efiang.

The Member for the Ibibio Division,
The Honourable Nyong Essien.

The Second Lagos Member,
Dr. The Honourable K. A. Abayomi, M.D.

The Third Lagos Member,
The Honourable O. Alakija.

The First Lagos Member,
The Honourable H. S. A. Thomas.

The Member for Shipping (Provisional),
The Honourable G. H. Avezathe.

ABSENT.

OFFICIAL MEMBERS.

The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.

The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.

The Commandant,
Brigadier The Honourable G. R. Smallwood, M.C.

- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Secretary, Northern Provinces,
The Honourable A. E. V. Walwyn.
- The Senior Resident, Niger Province,
The Honourable P. G. Harris.
- The Senior Resident, Oyo Province,
Captain The Honourable E. J. G. Kelly, M.C.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The Resident, Bornu Province,
The Honourable P. G. Butcher.
- The Resident, Ogoja Province,
The Honourable K. V. Hanitsch.
- The Resident, Adamawa Province,
Captain The Honourable E. W. Thompstone, M.C.
- The Resident, Cameroons Province,
The Honourable N. C. Denton.
- The Resident, Zaria Province,
The Honourable F. M. Noad.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The Acting Director of Agriculture,
Dr. The Honourable G. Bryce, O.B.E.
- Captain The Honourable A. W. N. de Normann,
Commissioner of Lands and Surveyor-General.

UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,
The Honourable P. H. Davey.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Commercial Member for Calabar,
The Honourable L. A. McCormack.
- The Member for the Ijebu Division,
Dr. The Honourable N. T. Olusoga.
- The Mining Member,
Lieutenant-Colonel The Honourable H. H. W. Boyes,
M.C.
- The Commercial Member for Kano (Provisional),
The Honourable F. P. Mackenzie.

PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 11th July, 1939, having been printed and circulated to Honourable Members were taken as read and confirmed.

OATH.

The Honourable G. H. Avezathe (Member for Shipping (Provisional)) took the Oath as Member of the Council.

PAPERS LAID.

- Sessional Paper No. 25 of 1939, Annual Report on the Geological Survey Department for the year 1938.
- Sessional Paper No. 27 of 1939, Report on the Transport Directorate for the year 1938.
- Sessional Paper No. 28 of 1939, Annual Report on the Printing Department (with Central Stationery Depot) for the year 1938.
- Sessional Paper No. 29 of 1939, Annual Report on the Administration of the Prisons Department, Nigeria, for the year 1938.
- Sessional Paper No. 30 of 1939, Annual Report on the Nigeria Police Force for the year 1938.
- Sessional Paper No. 31 of 1939, Native Treasuries Estimates (Eastern Provinces) for the year 1939-40.
- Sessional Paper No. 32 of 1939, Annual Report on the Marine Department for the year 1938.
- Sessional Paper No. 33 of 1939, Annual Report on the Posts and Telegraphs Department for the year 1938.
- Sessional Paper No. 34 of 1939, Annual Report on the Forest Administration of Nigeria for the year 1938.
- Sessional Paper No. 35 of 1939, Annual Report of the Inland Revenue Department (Lagos Tax Office) for the year ending 31st March, 1939.
- Sessional Paper No. 36 of 1939, Annual Report on the Public Works Department for the year 1938.
- Sessional Paper No. 37 of 1939, Annual Report of the Co-operative Office, 1st April, 1938 to 31st March, 1939.
- Subsidiary Legislation made since the last meeting of the Council.

Certificates of Urgency in respect of the following Bills:—

- The Local Forces (Amendment) Ordinance, 1939.
- The Trading with the Enemy Ordinance, 1939.
- The Interpretation Ordinance, 1939.

Certificates of Urgency in respect of the following Resolutions and Orders:—

Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924).

Resolution and Order under section 113 of the Stamp Duties Ordinance, 1939 (No. 5 of 1939).

Certificates of Urgency in respect of the Resolutions standing in the name of the Honourable the Acting Financial Secretary.

QUESTIONS.

The Member for the Ibibio Division (The Hon. Nyong Essien):

1. (*Question No. 62 (o) of the 6th of March, 1939.*) What were the accounts of the cost of the escort?

Answer:—

The Hon. the Chief Secretary to the Government:

1. The following payments were made by the Uyo Native Administration:—

	£	s.	d.
Payment for hire of the Ikot-Ekpene Native Administration lorry for transport of escort (86 miles at 1s. per mile)	4	6	0
Transport Allowance paid to Mr. R. N. O. Marshall, District Officer, while travelling with the police during the escort	2	1	3
Payment for 2,300 roofing mats supplied for building camps for the Police escort	2	6	0
Cost of petrol and oil borne by the Native Administration and used in the Uyo Native Administration and Police lorries which transported the escort	7	0	11
	<hr/>		
	£15	14	2

The following payments were made by the Abak Native Administration:—

Payment made to Day Akpabio for building a temporary rest house and Staff Quarters at Afaha Obong in March, 1935	12	0	0
Cost of petrol borne by the Native Administration and used in the Abak Native Administration lorries which transported the escort	7	17	6
	<hr/>		
	£19	17	6

The salary of one European Police Officer, and the pay of fifty Rank and File and one Police Motor Driver for the period that they were on escort duty amounted to £280 7s. 10d.; this was not regarded as extra expenditure and was paid from Government funds under the normal head and items. No payments into Government revenue were therefore made.

The Member for Calabar (The Rev. & Hon. O. Efiang):

2. (Question No. 12 of the 10th of July, 1939). To ask the Honourable the Director of Education—

(a) What is the total number of teachers who have completed their training in the various assisted training institutions and colleges in Nigeria within the last fifteen years?

(b) What is the total sum of money spent by the Government of Nigeria on the training of those teachers?

(c) How many of those teachers are still teaching in the country?

(d) What percentage of the teachers so trained have left the teaching profession in Nigeria?

(e) What are the main reasons for those teachers leaving the profession?

(f) How does the Government of Nigeria propose, as far as lies in its power, to remove the chief causes of the exodus of those teachers from the profession?

Answer:—

The Hon. the Director of Education:

(a) As far as can be ascertained 1,979 men and 322 women.

(b) It is regretted that figures are not available.

(c) As no central register of teachers was kept before 1928, figures are not available.

(d) See answer to (c) above. The following figures compiled by the Principal of the Hope Waddell Training Institution for teachers trained at that Institution may however be of interest:—

No. of students who left 1923-1938 302

Of these—

16 are dead

3 are permanently ill

3 are Pastors

22 are in Government services

3 are trading or farming

5 are Barrister, Journalist, Warden,
Bandmaster, and student for Bar.

7 are unemployed

6 are not known 70

Still teaching 232

(e) From the figures given above, the main reasons for the exodus would appear to be (i) employment in Government service (ii) death or illness.

(f) The exodus of teachers from the teaching profession is negligible as regards Government teachers. In regard to the Missions, if and when the financial position of the country improves to such an extent as to enable the vote for grants-in-aid to be substantially increased, it is hoped that the Missions will be able to offer their teachers more attractive terms of service.

The Member for Calabar (The Rev. & Hon. O. Efiang):

3. (Question No. 14 of the 10th of July, 1939). To ask the Honourable the Director of Education—

(a) How many of the existing educational institutions in Nigeria have been established by natives of Nigeria within the last five years?

(b) Who are the proprietors of those institutions?

(c) In what ways does the Government of Nigeria encourage those institutions to attain to an appreciable standard of efficiency and take their rightful place among the educational institutions in the country?

Answer:—

The Hon. the Director of Education:

(a) 257 (not including fifty-five schools established by Native Administrations).

(b) A list of the proprietors (seventy-six in number) is available at the office of the Honourable the Director of Education for inspection by the Honourable Member.

(c) The institutions are visited from time to time by Government officials and advice is given to the Managers by the Education Department. In some cases grants-in-aid are paid.

The Member for Calabar (The Rev. & Hon. O. Efiang):

4. (Question No. 16 of the 10th of July, 1939). With reference to a Deed of Gift dated 29th December, 1902, signed between Obon Adam Ephraim Adam, Prince Egbo Archibong II, Chief Abasi Eyo Andem and Prince Adam Duke IX, representing the Duke Town families, Calabar, on the one side, and Sir Ralph Moor representing the Government on the other in respect of a piece of land said to be partly occupied by the Elder Dempster Lines offices and workshops at Calabar, to ask—

(a) Whether any representation has been made to Government on behalf of the Grantors alleging that certain conditions of that Deed have been contravened by Government? And if so,

(b) When was the first representation made and how many reminders have been sent to Government on the matter and what were the dates and terms of Government replies to those letters and reminders?

(c) Whether it is a fact that as far back as the 24th of September, 1937, the District Officer, Land Section, Calabar, had informed the Duke Town Etuboms as representatives of the landowners in writing that he was "awaiting a reply from Lagos regarding this question"?

(d) Whether it is also a fact that in answer to repeated reminders, the District Officer, Land Section, about a year later, that is on the 30th of August, 1938, again wrote regarding the same question "a full report was submitted to Government some weeks ago and a reply is expected shortly"?

(e) Whether through further delay to satisfy the claims of the people a petition dated the 26th of October, 1938, was addressed to His Excellency the Governor on the matter and the receipt of it acknowledged by the Secretary, Southern Provinces, on the 12th of December, 1938?

(f) Whether up to the present the claims of the people have been satisfied or a final settlement reached and if not why has there been no settlement for the protracted period of two years?

(g) Whether the site now occupied by the Elder Dempster Lines offices and workshops in Calabar is part of the land granted to Government by the Deed of the 29th of December, 1902, referred to above?

(h) If the answer to (g) is in the affirmative to ask whether Government in subletting the land has fulfilled to the letter all the conditions of the Deed?

(i) If the answer to (g) is in the negative to ask by what Deed or authority is Government enjoying the right to control, and collect the rents from, that piece of land occupied by Elder Dempster Lines offices and workshops?

(j) To ask for the name of the company or person to which the land which is the subject of this question was first leased, whose consent was obtained, the annual rental paid and also the total amount of rent collected by Government from the original date it was leased up to the present?

(k) To ask whether the consent of all the Duke Town families was obtained before the said piece of land was leased by Government before, during or since 1914, and whether such consent was indicated by the signatures of the heads or representatives of all the families concerned as was the case when the original Deed was signed in 1902?

(l) Whether by virtue of the fact that Government is no more using the said piece of land for "public purposes" but has leased it to a private firm in return for payment, will Government consider the advisability of delivering the land to the Grantors and paying to them all rents collected therefrom without further delay and to ask what reasons there are if the answer is in the negative?

Reply not yet ready.

The Member for Calabar (The Rev. & Hon. O. Efiang):

5. (Question No. 20 of the 10th of July, 1939). In view of the state of Calabar and Calabar Province in the event of war, will Government consider the need of sending a detachment of the Nigeria Regiment for a permanent stay in Calabar? If not,

(a) What will happen to all the public buildings?

(b) To what use will Government put the new barracks where soldiers used to stay?

Answer:—

The Hon. the Chief Secretary to the Government:

No, Sir: it is contrary to the policy of Government to place small military detachments in out stations.

(a) & (b) Six houses, the officers mess, two offices and seven clerks' quarters have been retained by Government for use as quarters or offices. No decision has yet been reached regarding the future use of the remainder of the Royal West African Frontier Force buildings.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

6. (Question No. 26 of the 10th of July, 1939). In the matter of the petition of one Yesufu Ajadi, representing all the members of the Amunigun family, sent through the Olubadan in Council and dated 7th of September, 1938, *re* compensation for acquisition of farmland at Tapa Village, to ask the Government:—

(a) Whether name of Amunigun was included in the list of names of those who had received compensation for the area in question, acquired by the Government during the time of Bale Shittu?

(b) Will the Government please give (i) the names of those representatives of families to whom compensation had been paid? (ii) What family was represented by each to whom compensation had been paid? (iii) How much was paid to each?

(c) Is it a fact that the village of Tapa belonging to Amunigun family in the area in question was burnt down by order of the Government on the 11th of October, 1938? And if so,

(d) Whether the members of the family had been informed and required to move from the village before it was set on fire?

(e) Whether they refused to move?

(f) Whether in case of their refusal to move the Government had given them opportunity to state their case either in a Native of Protectorate before the village was burnt?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b) No record can at present be traced of the families to which individuals who received compensation belonged. The following is a list of the farmers to whom compensation was paid in 1919 and the Chiefs who were then described as "landlords" and of the amounts paid in each case:—

Landlord.	Names of farmers.	Amount.
		£ s. d.
Bale	—	10 0 0
"	Fatolu	18 5 0
"	Fatona	18 12 0
"	Okesiji	5 0 0
"	Babatunde	1 19 0
"	Owoade	8 19 0
"	Faleti	15 0 0
"	Suberu	39 0 0
"	Oke	38 1 0
"	Idowu	117 12 0
"	Osa	14 0 0
Abese Balogun	—	4 0 0
"	Oso	4 0 0

Landlord.	Names of farmers.	Amount.
		£ s. d.
Abese Balogun	Oyedeki	9 0 0
" "	Sanni	57 13 0
" "	Laogun	39 0 0
" "	Otokiti	0 8 0
" "	Fasoyin	4 10 0
" "	Ayigbe	4 18 0
" "	Tukuru	3 8 0
" "	Fabayo	3 2 0
" "	Ilori	13 8 0
" "	Ipaye	5 0 0
" "	Fajenise	5 12 0
" "	Oyerinde	12 5 0
" "	Laojo	17 3 0
" "	Tanmola	12 8 0
" "	Idowu	8 2 0
" "	Babalola	7 12 0
" "	Ogundipe	6 4 0
" "	Oyadiji	3 18 0
" "	Kudayisi	33 8 6
" "	Ayeligu	1 10 0
" "	Jinado	2 0 0
" "	Gbadamosi	3 16 0
" "	Rogundade	11 10 0
" "	Ojo I	13 0 0
" "	Ojo II	9 8 0
" "	Farinto	5 10 0
" "	Salu	7 0 0
" "	Oke	7 10 0
" "	Ayeni	3 17 0
" "	Awe	0 10 0
" "	Tairu	2 10 0
" "	Omolado	7 6 0
" "	Kekere Eku	2 10 0
" "	E. N. Phillips	7 12 0
" "	Lawani	2 0 0
" "	Buraimo	5 0 0
" "	Adeosun	2 0 0
" "	Bambi	2 8 0
" "	—	6 0 0
Abase Bale	Fasanya	63 15 0
" "	Opakunle	10 0 0
" "	Awuyemi	4 0 0
" "	Layide	0 16 0
" "	Momo	39 13 6
" "	Amodu	10 13 0
Agbeni	—	12 0 0
" "	Lasibi	9 8 0
" "	Oketoyin	1 13 0
" "	Taiwo	103 13 0
" "	Oyemiyiwa	1 4 0
" "	Sanusi	2 2 0
" "	Lagunju	5 8 0
" "	Ajibola	0 10 0
" "	Akande	80 2 0
" "	Latunji	8 6 0
" "	Bakare	8 4 0
" "	Adejumo	0 7 0
" "	—	0 10 0
Lemomu	Are-Ago	5 16 0

In addition a sum of £97 15s. was paid to twenty-five persons as compensation for houses.

(c) A Tapa settlement known as Amunigun on Crown Land near the European Hospital was burnt down by order of the Medical Officer of Health on the 11th of October, 1938.

(d) The occupants of the settlement were informed and required to move on the 1st of September and again on the 1st of October, as the occupants were trespassers upon Crown Land and the huts were a 'nuisance' at law the abatement of which was considered desirable.

(e) No, Sir. They had in fact moved and removed all their goods when the houses were burnt on the 11th of October.

(f) Does not arise.

The First Lagos Member (The Hon. H. S. A. Thomas):

7. (Question No. 39 of the 10th of July, 1939). (a) Has Government any information touching the death of one Erurienren, a young Sobo, native of Oviri Village in the Forcados Division of Warri Province who was alleged by his relatives to be beaten to death about the month of November last year at the scene of dispute between the two communities, by people from Kiogbodo, a neighbouring village?

(b) Did the District Officer, Forcados, receive a report of the death? If so, what steps did he take to conduct an investigation into the case?

(c) Was an Inquest held? If so, what were the findings?

(d) Did the District Officer, Forcados, receive an application from the relatives of the deceased for a copy of the proceedings at the Inquest?

(e) Was the application granted? If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir. A woman sleeping in a canoe at Kiagbodo was awakened by Erurienren stealing her goods from the canoe. She shouted, whereupon he paddled away in his canoe and was chased by people of the town of Kiagbodo who were attracted by her cries. On being overtaken he jumped into the river, but was caught trying to conceal himself under water near some reeds. On being brought to the surface he died from exhaustion.

(b) Yes, Sir, and a full investigation was conducted by the Police.

(c) Yes, Sir. That death had been caused by heart failure and not by injuries.

(d) No, Sir.

(e) Does not arise.

The Member for the Ibibio Division (The Hon. Nyong Essien):

8. (Question No. 59 of the 10th of July, 1939). (a) Inviting attention of Government to the fact that Chiefs of the other parts of the Eastern Division of the Southern Provinces of Nigeria, such

as Calabar, Bonny and Opobo have been and are being subsidised by the Government, would Government be pleased to consider it desirable to pay reasonable subsidy to the native inhabitants of Ibibio Division?

(b) If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b) The Honourable Member is referred to the first sentence of the reply given to Question No. I asked at the meeting of this Council held on the 20th of May, 1935, in which Government's policy was stated.

The Member for the Ibibio Division (The Hon. Nyong Essien):

9. (*Question No. 66 of the 10th of July, 1939*). (a) How are prisoners put up in the yard and arranged in their gangs with respect to the nature of offences which ran them into gaol?

(b) What provision has Government made in Nigerian Prisons with a purpose to curing the criminals of their criminality in order to restore them law-abiding and useful citizens to the race, according to the modern system of imprisonment?

(c) Whether Government would be pleased to introduce effective Reformatory and Industrial Schools of the modern days into the Nigerian Prisons?

(d) If not, why not?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Although as regards accommodation prisoners are classified so far as possible according to the nature of their offences and number of previous convictions, it is not practicable to effect such classification in the working gangs. As a rule, however, prisoners convicted of serious offences are employed within the prison yard while the remainder are given suitable work outside.

(b) Every criminal prisoner under a first sentence of imprisonment for two years or more is eligible for remission of sentence by industry accompanied by good conduct. Long-term prisoners who are likely to benefit by instruction are taught suitable trades.

(c) A Reformatory School has already been established at Enugu and the system will be expanded when funds permit.

(d) Does not arise.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

10. In view of the reason given by Government that the commencing salary of £600 per annum, upon appointment of one Police Magistrate was due to the fact that he has had seven years experience at the Bar, will Government give an indication of the reason or reasons why the commencing salary of another newly appointed Police Magistrate who has had over thirteen years experience at the Bar is £400?

Answer:—

The Hon. the Chief Secretary to the Government:

The question of the initial salary to be paid to the Police Magistrate with thirteen years' experience at the Bar, to whom the Honourable Member refers, is still under consideration. He has been placed on a salary of £400 provisionally, pending a final decision.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

II. (a) Inviting Government's attention to the answer given to Question No. 7 at the meeting of this House on the 10th of July, 1939, is there any reason why the First Class Clerk whose salary scale is the same as that of a Protectorate Court's Registrar is not appointed a Registrar considering that as Acting Registrar of the Protectorate Courts he has to perform all the duties of the office?

(b) If the answer is in the negative, will Government consider the question of the advisability of making this appointment?

Answer:—

The Hon. the Acting Financial Secretary:

There would be no objection to making provision under the establishment of Registrars for the First Class Clerk performing the duties of Registrar in the Protectorate Courts, as the scale of pay is identical, but as a proposal is now under examination whereby the distinction at present made between the Supreme Court and the Protectorate Court would be removed, it is considered that no good purpose would be served in making the change at this stage.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

12. In view of the answer given to Question No. 51 at the meeting of this House on the 10th of July, 1939, is there any reason why African youths could not be trained as Radiographers at the Yaba Higher or Medical College?

Answer:—

The Hon. the Director of Medical Services:

Some preliminary instruction of a theoretical nature could be given in electricity, physics and photography at the Higher College and in anatomy and nursing at the Medical School and Lagos Hospital but there are no facilities in Nigeria suitable for the longer practical training in radiography.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

13. Inviting Government's attention to the answer given to Question No. 52 at the meeting of this House on the 10th of July, 1939, to ask whether Government is now prepared to make a statement of the position?

Answer:—

The Hon. the Chief Secretary to the Government:

The Report mentioned in the reply to the question to which the Honourable Member refers has now been received and a Sessional Paper on the subject will be issued shortly.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

14. (a) What was the actual amount spent from the 1st of April, 1938, to the 31st of March, 1939, as salary and other upkeep on the Benin Government Elementary School?

(b) What is the highest standard taught at that school?

(c) What was the amount given as grant by Government to the Dennis Memorial School, Onitsha, for the same period?

(d) What is the highest standard taught at that school?

Answer:—

The Hon. the Director of Education:

(a) The total expenditure on salaries was £743 4s.; other expenditure on maintenance amounted to £29 2s.

(b) Elementary Standard V.

(c) £561.

(d) Middle VI.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

15. (a) In view of the fact that the Native Courts of Southern Provinces from 1915 to 1917, had no jurisdiction over matters which raised issues of title to land and interests therein, will Government say under what authority were the various Native Courts deciding such issues?

(b) Will Government adopt measures whereby an Ordinance will be enacted to validate or legalise all such judgments?

Reply not yet ready.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

16. (i) (a) To ask:—

What is the monthly average of cases attended to in the under-mentioned Maternity Hospitals for the period 1st June, 1938, to the 30th June, 1939:—

(i) Aba,

(ii) Calabar?

(b) What is the total number of:—

(i) First Class Certified Midwives,

(ii) Second Class " "

(iii) Midwives in training

attached to these Maternity Hospitals for the period in question?

(ii) (a) Is it a fact that there is a continuous increase of cases in the Aba Maternity Hospital?

(b) If the answer is in the affirmative when is Government going to increase the number of Midwives in the Aba Maternity Centre?

Answer:—

The Hon. the Director of Medical Services:

- | | | | | |
|-------------|------------------|----------------------|-------|-----------|
| (i) (a) (i) | Aba | ... | ... | 86 |
| | (ii) | Calabar | ... | 48 |
| (b) (i) | Grade I Midwives | | Aba 4 | Calabar 3 |
| | (ii) | Grade II | ,, 2 | ,, 1 |
| | (iii) | Midwives-in-training | ,, 5 | ,, 5 |
- (ii) (a) Yes, Sir.
 (b) As soon as funds are available.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

17. (a) Is it a fact that the Aba-Opobo Road has been closed constantly during the rainy season, and if so when is this road going to be made an all weather road?

(b) Is it not a fact that this road is a very important commercial road connecting the various trading centres in the Eastern Provinces with Opobo?

Reply not yet ready.

The Member for the Rivers Division (The Hon. S. B. Rhodes):

18. (a) Is it a fact that a man named AKANAGBOR was arrested and kept in custody at Ogoja for five months, the police opposing bail and that when he was tried by the Judge of the High Court of the Enugu Division in August, 1939, he was found not guilty?

(b) What was the charge preferred against him by the police?

(c) On what date was he arrested?

(d) Was there any preliminary investigation held, and if so how long after his arrest?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir. Akan Agbor was released on bail immediately after his arrest, but during the hearing of the preliminary investigation on the 17th of January, 1939, the Police applied for the bail to be cancelled as there was evidence that he had attempted to interfere with witnesses. The application was granted by the Magistrate (Full Powers). Subsequently he was released on bail on the 12th of June and remained at large until his trial before the High Court of the Enugu Division on the 9th of August.

(b) Conspiracy to bring a false accusation, contrary to section 125 of the Criminal Code.

(c) The 22nd of December, 1938.

(d) Yes. The preliminary investigation was begun by the Magistrate (Full Powers) on the 13th of January and subsequent sittings were held on the 14th and 17th of January, the 16th and 17th of March and the 1st of May, on which date Akan Agbor was committed for trial in the High Court.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

19. To ask the Government—
- (a) How many residential quarters there are at Ikoyi?
 - (b) What is the total cost of putting up these buildings?
 - (c) How many of the buildings are at present unoccupied by reason of the occupants going on furlough or otherwise? If otherwise, what are the causes?
 - (d) How many are in the process of erection or construction at the moment?
 - (e) How many are contemplated to be put up in the next two Financial Years reckoning from 1st April, 1939?

Reply not yet ready.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

20. (a) What is the total number of African ladies in the employ of the Nigerian Government and in what department are they serving?
- (b) Why is there no provision for more? If there is, what debar Government from employing more ladies?

Reply not yet ready.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

21. (a) What is meant by Crown Land in the Southern Provinces of Nigeria?
- (b) To state as minutely as possible the mode of acquisition?
- (c) Can Government release or restore Crown Land to the natives on application when they need it for some public good?

Answer:—

The Hon. the Chief Secretary to the Government :

- (a) The Honourable Member is referred to the definition of Crown Land in section 2 of the Crown Lands Ordinance, Chapter 84 of the Laws of Nigeria (1923) Edition.
- (b) Acquisition is effected either by agreement or in accordance with the procedure prescribed by the Public Lands Acquisition Ordinance, Chapter 88.
- (c) The Governor's powers in regard to the disposal of Crown Lands are set out in sections 3 and 4 of the Crown Lands Ordinance. All requests for the use of Crown Lands are considered on their merits.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

22. (a) Has Government any material influence on the trade of the country over which it exercises jurisdiction?
- (b) If not, why? If so, define the nature of such influence and demonstrate how it mutually benefits or encourages both the native producers and the foreign merchant consumers?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) Certainly, Sir.

(b) It is impracticable to give a comprehensive reply on this far-reaching subject within the scope of an answer to a question in Legislative Council. Suffice it to say that apart from defence, preservation of law and order and administration of justice, etc., which measures are essential if trade is to prosper, the Colonial Government provides railways, roads and other means of transport, it promotes research and provides trained staff for the improvement of local practices and conditions, provides and maintains a stable currency, and ensures so far as lies in its powers that any necessary taxation falls equitably alike on producers, consumers, and local and foreign merchants. The activities of the Technical and Scientific Departments of Government are largely devoted directly or indirectly to trade development both internal and external.

In normal times great care is exercised that restrictions shall not be imposed on trade but rather that it should be fostered in every possible way on sound economic principles. Hasty and ill-judged interference on faulty or imperfect knowledge of the economic and scientific factors can be most dangerous and is carefully guarded against.

The introduction of a war time economy must however involve a number of restrictions of trade, the precise nature of which will be apparent from the Regulations issued from time to time by the Government.

The Member for Calabar (The Rev. & Hon. O. Efiang):

23. To ask the Honourable the Chief Secretary to the Government—

(a) What is the total number of graduates of the Yaba Higher College, now in the Government Service, who are holding posts previously held by Europeans? And

(b) What are the posts and their respective departments?

Reply not yet ready.

The Member for Calabar (The Rev. & Hon. O. Efiang):

24. To ask the Honourable the Director of Education—

(a) What is the total salary bill for the entire staff of each of the following educational institutions for the last two financial years ending March, 1939:—

1. Government College, Ibadan
2. Abeokuta Grammar School
3. Ondo Boys' High School
4. Ijebu Ode Grammar School
5. Ibadan Grammar School?

(b) What is the total expenditure of each of those institutions for the above periods?

Reply not yet ready.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

25. To ask the Honourable the Director of Education—

(a) Has the Committee of the Board of Education, Colony, Western and Eastern Provinces, appointed in February last, submitted its findings? If so,

(b) What were the Committee's recommendations in respect of the contributions from the public revenue towards a provident fund for Non-Government School Teachers?

(c) How soon will Government put those recommendations into effect?

Answer:—

The Hon. the Director of Education :

(a) The Committee has submitted its findings to the Chairman of the Board.

(b) The Committee has recommended that Government should make regular contributions to the proposed Provident Fund according to the salaries of depositors, but this recommendation is not acceptable, as it is contrary to Government policy in this matter, which has been clearly stated to the Board.

(c) Recommendations for such assistance and financial support as would conform with the conditions laid down by Government when this investigation started, are now being formulated and will shortly be submitted to Government. Whether those recommendations will be acceptable, and whether the financial position is such as to permit of their being put into effect I am unable to say at present.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

26. (a) How many of the Masters in Government educational institutions, holders of the Yaba Higher College Diploma, who have already given three or more years' satisfactory service and who have been recommended by the heads of their departments, have had their appointments confirmed (Nigeria Gazette of 6th July, 1939 [Government Notice No. 870], refers)? If none

(b) Will Government kindly consider the desirability of having the appointments of deserving Masters confirmed?

Answer:—

The Hon. the Acting Financial Secretary :

(a) Nine.

(b) Does not arise.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

27. What annual contribution from the public revenue of Nigeria would make up the amount necessary for the establishment of a foundation fund in order to qualify the Yaba Higher College for the appointment of a Governing Council similar to the one controlling the Achimota College on the Gold Coast?

Answer:—

The Hon. the Director of Education:

The Honourable Member is referred to the reply given to Question No. 10 asked at the meeting of this Council on the 10th of July, in view of which no question of establishing a foundation fund arises. Reference is also invited to the reply to Question No. 40 at the meeting on the 6th of March re-affirming that given to a similar question in March, 1937, in which it was stated that Government did not propose to set up a Governing Council for the Higher College. This decision is based on considerations of general policy, and the reply given to Question No. 40 at the March meeting was not intended to suggest that these considerations are wholly or even primarily financial.

The Member for Calabar (The Rev. & Hon. O. Efiang):

28. (a) As the Surveyors who have passed out of the Survey School are considered competent to practice for the Government; will the Government consider the expediency of granting them Surveyor's Licences on passing their final examination just as the Dispensers on passing their final and granted the right to practise as Chemists and Druggists in the event of their leaving Government Service? In this circumstance to ask that the syllabus of the Survey School at Oyo, be made to include the Surveyor's Licence Examination?

(b) Will Government grant licences to practise to those who have qualified in Surveying and/or Civil Engineering in Great Britain (or elsewhere with certificates equivalent to those of the British Universities) after they have passed an examination on the Survey Ordinances and Regulations instead of subjecting them to a full test in subjects appertaining to their profession?

Answer:—

The Hon. the Chief Secretary to the Government:

(a) It is not desirable that the final examination of the Survey School should be considered equivalent to the Licensed Surveyors' Examination. The school course, however, covers the subjects set at the Licensed Surveyors' Examination fully and arrangements can be made for suitable pupils to take that examination at the end of the school course if they so desire.

(b) This is already the case. Section 4 (c) of the Survey Ordinance, Chapter 90, provides "that the board of examiners may dispense with such examination or any part thereof in the case of persons who produce to the board sufficient evidence of having passed an examination which the board regards as equivalent to such examination or part".

The Member for Calabar (The Rev. & Hon. O. Efiang):

29. (a) Is it considered that encouragement should be given to Africans serving in Government Technical Departments such as the Medical, the Public Works and the Marine Departments, and is it a

fact that very good reports have been given on the conduct, efficiency and initiative of the African Staff of the Technical Sections of the Land and Survey Department for the past few years, including the most recent one? If so, will Government now consider it is time to encourage the African staff of these sections by promotion in the various grades of the Technical Sections of that Department? If not, why? And if not presently, why?

(b) Can Government show the cause why, as stated in the Annual Report of the Education Department for 1937, the Survey Course at the Yaba Higher College is the most unpopular and unalluring to prospective students?

(c) If Government is aware of this fact what has been done since that Report was published in order to attract candidates into this course, from other colleges in Nigeria or in the Higher College itself?

(d) Is it not a fact that Government Surveyors lead a hard life owing to the nature of their work? If so, and taking into consideration the unpopularity of the Survey Course, what steps is Government taking to avoid a dearth of Surveyors in the Land and Survey Department in the future?

Answer:—

The Hon. the Acting Financial Secretary:

(a) It is a fact that favourable reports have been made on the conduct, efficiency and initiative of the African staff of the technical section of the Land and Survey Department. There is a steady flow of promotion from grade to grade as vacancies in the establishments of various grades of the African technical staff occur. The fitness of members of the African staff for promotion to superior appointments is kept constantly in view.

(b) There would appear to be evidence of some disinclination on the part of entrants to the Higher College to elect for the survey course. This is probably due to the fact that a surveyor's work usually entails long periods in the bush away from the amenities of town life.

(c) Government scholarships tenable at the Higher College have been offered to candidates willing to undergo training as surveyors.

(d) The duties often falling to be performed by Government surveyors are undoubtedly of an arduous nature. No difficulty has, so far, been experienced in filling the authorised vacancies in the establishment of the Department and it is not considered that any additional measures are necessary at present to attract more candidates to the survey course at the Higher College.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

30. (a) What is the number of small-pox cases admitted into the Infectious Diseases Hospital, Onitsha, during the year 1938, and the number who died from that disease in that hospital during the same period?

(b) Is it a fact that the attendant employed at this hospital is not a trained nurse?

(c) Is it also a fact that this hospital is poorly furnished?

Answer:—

The Hon. the Director of Medical Services:

(a) 173 cases of small-pox were admitted of whom thirty-seven died.

(b) Yes, Sir. The present attendant joined the hospital staff as caretaker in 1933 and has received instruction in nursing at Onitsha African Hospital. Government would of course prefer to see fully trained nurses provided at this and other Infectious Diseases Hospitals, but unfortunately lack of funds makes this impossible at present.

(c) The hospital is adequately furnished for normal requirements.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

31. (a) Is it a fact that protests were made to the then Local Authority about erecting a public latrine in close proximity to dwelling houses in the market near Bright Street at Onitsha?

(b) That the condition of this latrine has caused considerable inconvenience to the dwellers nearby through the obnoxious effusion of the refuse deposited there?

(c) If the answer is in the affirmative, to ask whether the Government will consider the removal of the latrine?

Reply not yet ready.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

32. (a) Is it a fact that during the days of the Royal Niger Company the Obi of Onitsha and his Councils were paid a yearly subsidy which was known as "Ikpu Ugbo"?

(b) If the reply is in the affirmative to ask whether Government ever paid this, and to whom? If not, why not?

Reply not yet ready.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

33. (a) Is it a fact that the sum of £50 was paid to the Government by the people of Ahiara in the Owerri Province for the opening of a Postal Agency?

(b) If the answer is in the affirmative, to ask if it is the policy of Government to receive £50 (fifty pounds) from all towns and villages before Postal Agencies are opened?

(c) Will Government give a list of towns and villages who have paid some security in cash before Postal Agencies were opened?

(d) Is it not considered that Ahiara and its environs are important enough to justify the opening of a Posts and Telegraphs Office to serve the area?

Answer:—

The Hon. the Acting Financial Secretary:

(a) £50 was deposited as security for a Postal Agency as no suitable bond was forthcoming, and stocks to that value were supplied.

Answer:—

The Hon. the Acting Financial Secretary:

A separate record is not kept of pensions paid to non-Europeans, but it is calculated from the actual expenditure figures for the financial year 1938-39 that approximately 1,850 non-Europeans were in receipt of pensions from Nigeria Government funds at 31st March last, and that the aggregate total of these pensions then amounted to £78,000 *per annum*.

It is to be remembered that in accordance with Regulation 1 of Chapter 27 non-European officials on retirement on pension are awarded a gratuity of one year's emoluments, and that there is no option to receive a higher rate of pension in lieu of gratuity.

The First Lagos Member (The Hon. H. S. A. Thomas):

41. To ask for the number of contributors to the Railway Provident Fund at the end of March last, and the total amount paid into the Fund in respect of bonus for the last financial year?

Answer:—

The Hon. the Acting Financial Secretary:

The number of contributors to the Railway Provident Fund at the end of March, 1939, was 2,016. The total amount paid into the Fund in respect of bonus for the last financial year was £16,983 14s. 11d.

The Third Lagos Member (The Hon. O. Alakija):

42. (a) To ask whether the attention of the Government has been directed to the Editorial of the *West African Pilot* of the 2nd of September, 1939, headed "An Objectionable Policy" alleging that the Chief Commissioner of the Northern Provinces contemplates bringing the Non-Natives Settlements commonly known as "Sabon-Gari" in places like Kaduna, Zaria and Kano under the jurisdiction of the Native Administration of the above localities?

(b) Is it a fact that these Native Settlements commonly known as "Sabon-Gari" were founded within the precincts of the township where such native foreigners as were not ordinarily subject to the jurisdiction of the Native Authority were to be allowed to reside?

(c) Is it a fact that the population statistics at Sabon-Gari, Kano, compiled in connexion with the 1938/1939 Tax Assessment reveal among other things the following figures?

Other Natives of Nigeria	...	...	...	...	4,737
Non-Natives of Nigeria (including Gold Coast, Sierra Leone, Dahomey and Fernando-Po)	...	...	...	...	842

(d) Is it a fact that most of the valuable properties at all these "Sabon-Garis" are owned by non-natives of Northern Provinces?

(e) Is it a fact that ninety per cent of the inhabitants of these "Sabon Garis" are not natives within the meaning of the Native Authority Ordinance, No. 43 of 1933, section (2)?

(f) If so, will the Government be graciously pleased not to give effect to such recommendations (if any) as may be made (*West African Pilot* of the 2nd of September, 1939, refers).

Reply not yet ready.

The Member for Calabar (The Rev. & Hon. O. Efiang):

43. To ask if the privilege provided under General Order 594 by which African officials are allowed three days extra leave to travel from remote stations to their homes on leave is not enjoyable on the occasion of leave on urgent private affairs; and if not, whether Government would consider the extension of the privilege to cover such occasion?

Answer:—

The Hon. the Acting Financial Secretary:

The privilege to which the Honourable Member refers is not allowed when African officials are granted leave on urgent private affairs unless they are already qualified for vacation leave in the ordinary course. Extension of the privilege as suggested is noted for consideration, and it is proposed to introduce a new General Order defining the conditions on which leave on urgent private affairs may be granted to African officials.

The Member for Calabar (The Rev. & Hon. O. Efiang):

44. (a) Is it a fact that the general tendency of African officers is to apply for extension of time on attaining the age of retirement?

(b) If so, to ask whether Government will consider enabling officers who lack further opportunity for advancement to retire from the service before attaining to the age-limit, should they desire to do so?

Answer:—

The Hon. the Acting Financial Secretary:

(a) The Government is not aware of any such general tendency.

(b) The second part of the question does not therefore arise. It may be mentioned however that the question of providing for the optional retirement of African officials at an earlier age than fifty-five was considered some time ago and it was decided that there were no good reasons for introducing such a provision.

The Member for Calabar (The Rev. & Hon. O. Efiang):

45. To ask if Government will consider the creation of a super-scale post for the African staff of the Judicial Department as in the other departments when the financial position justifies such increased expenditure, in view of the importance of that Department and the large number of African clerical staff therein?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

46. (a) To ask whether Government would be pleased to introduce for education of the Native Administrations Parliamentary Procedure for their constitutional deliberations? If not,

(b) Why not?

Answer:—

The Hon. the Chief Secretary to the Government:

- (a) No, Sir.
 (b) To impose an alien procedure upon Native Administrations would be contrary to the whole policy of the Government, with the nature of which the Honourable Member is presumably familiar.

The Member for the Ibibio Division (The Hon. Nyong Essien):

47. With reference to the (a) political and (b) administrative positions of the Oron, Okobo, Ibuno and Efiat peoples of the Calabar Province: to ask for a statement with regard to the constituency or division to which those peoples belong, as to representation of their interests on the Legislative Council of Nigeria?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

48. (a) To ask the Honourable the Director of Education, with reference to Question No. 64 which was asked at the meeting of the Legislative Council on the 10th of July, 1939, to be pleased to state definitely and comprehensively the interpretation of the term "all the qualifications and experience necessary" for taking charge of and managing the "Elementary Training Centre" at Uyo District?

(b) Whether the Honourable the Director of Education will, please, state the curriculum and the time table presently provided for the use of that Institution for the current year?

(c) What are particulars of the expenditure of that school in a year's time?

(d) From what fund is the expenditure incurred?

(e) Has that school any income, and what are the sources from which it is derived?

(f) What is the sum total of that income annually?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

49. (a) What is the total amount raised from Native Administration funds of the Ibibio Division for the Nigerian five per cent Loan 1950-60?

(b) The time when the loan was raised?

(c) Amount of the loan raised from each of the Ibibio Districts?

(d) Yearly interest on the loan raised, for each of the Districts?

(e) The Bank into which the loan was invested?

(f) Whether, before the money was removed from the Native Treasuries, the Native Councils concerned were consulted and their legal consent obtained?

(g) Whether there is any record in existence on such a consultation? If there is,

(h) In which of the Clan Council's Minute Book is the record to be found and how it reads?

(i) The time when the loan is to be refunded to the Native Treasuries from which it was raised?

(j) What the total interest on the whole investment is? And

(k) What percentage or fraction of the total interest the Government does utilise as a commission?

(l) In which of the Banks abroad or local was the investment made?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

50. (a) Is it the case that native traders and market women, who landed and traded at Issiet Inuakpa Beach of Uruan Clan, Uyo District, Calabar Province, were paying on demand to the villagers of Adadia of the same clan levies of threepence, sixpence, etc., for landing and trading at the beach and market?

(b) Whether the levy reported has had the knowledge and approval of Government, and/or had been authorised or recommended by the Native Council of the Uruan Native Administration? If not,

(c) Whether His Honour the Chief Commissioner, Eastern Provinces, will consider the desirability of:—

(i) stopping the Adadia people from making what appears to be illegal demands, and

(ii) ordering them to refund to the payees the monies so illegally collected? If not,

(d) Why not?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

51. [Question No. 31 of the 6th of March, 1939; section 9 (1) (d) and (e), page 6 of Education Code, 1939; and Sessional Paper No. 1 of 1930, page 21 (c): Education], to ask the Honourable the Director of Education—

(a) What qualification in the teaching profession does Miss M. G. W. Love hold for taking charge of and teaching in the Ituk Mbang Methodist Mission Girls' School and whether they are adequate?

(b) From what fund is Miss M. G. W. Love drawing the salary of £185 per annum, for teaching in the Ituk Mbang Methodist Girls' Seminary?

(c) Of what type is the school?

(d) When was that school actually opened?

(e) What is the total number of the pupils in that school?

(f) How many are day pupils, and how many are boarders?

(g) What are the annual results of the work of that school since its establishment?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

52. To ask the Honourable the Director of Education—

(a) How many Government Schools are there in the Ibibio Division?

(b) In what District is each of the Government Schools established?

(c) When was each of those Government Schools established?

(d) Which is the oldest of them all?

(e) Are they efficient? If not

(f) What is the highest standard of education attainable in each of those Government Schools?

(g) How many Assisted Schools are there in the Ibibio Division?

(h) How many Assisted Schools are there in each of the six Districts of the Ibibio Division?

(i) What is the highest standard of education attainable in each of those Assisted Schools?

(j) Whether Government has established a Secondary School in the Ibibio Division? If so,

(k) Where? If not,

(l) Why not?

(m) Whether Government would be pleased to consider the desirability of establishing in each of the six Districts of the Ibibio Division a fully equipped Secondary School? If not,

(n) Why not?

(o) (Question No. 63 of the 6th of July, 1939): Whether Government would, please, consider the desirability of quoting in reply to this question that particular clause from the Will of Caroline Phelps Stokes of New York referring to Africans as beneficiaries to her estate?

(p) Whether all the benefits bequeathed to Africans in her Will by the deceased lady are only the book compiled by Dr. Thomas Jesse Jones entitled *Education in Africa*?

(q) By what nature and in what form are the benefits accruing from that estate to the American and the poor White beneficiaries?

(r) Would Government be pleased to furnish to Nigeria the full and detailed interpretation and import of that particular clause of the Will of Caroline Phelps Stokes of New York referring to her American and African beneficiaries respectively?

(s) Whether Government would, in the interest of Nigerians, or Africans generally, consider the desirability of tracing and publishing to Nigeria the material nature and value of the legacy bequeathed in that clause of the Will to both the American and the African beneficiaries thereof?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

53. Referring to the injury sustained in the course of duty by the Police Constable No. 4789, to ask—

(a) What was the nature of the duty which caused the injury?

(b) What part of the Police Constable's body suffered the injury?

(c) What was the nature of the injury?

(d) What consideration has Government had for that injury?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

54. (a) To ask whether Government would consider the necessity and desirability of constructing "current-sweep-off-proof" gutters on the streets of Calabar against next year's rainy season's current sweep? If so,

(b) What provision has been made for that work, and when is it commencing?

(c) If not, why not?

Reply not yet ready.

The Member for the Ibibio Division (The Hon. Nyong Essien):

55. (a) Whether Government would be pleased to make a statement with regard to construction of the long-promised embankment beginning from Old Town Beach to Henshaw Beach at Calabar?

(b) Whether, besides the provision made for roads and bridges, Government would be pleased to consider the desirability of financing the re-opening up and reconstruction of the Calabar-Creek Town Road on the right bank of the Calabar River, opposite the Marina Market?

(c) If not, why not?

(d) Whether it would please Government to consider the desirability of constructing a bridge across the Calabar-Akpabuyo Ferry?

(e) If not, why not?

Reply not yet ready.

MOTIONS.

The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):

Your Excellency, the following Resolution is standing in my name:—

"That this Council, having followed with keen sympathy
 "the patient and persistent efforts made by the Imperial
 "Government for the maintenance of law and peace, and
 "these efforts having failed to secure the helpful response
 "of Germany, resolves therefore to renew on behalf of
 "the peoples of Nigeria their expression of loyalty to His
 "Majesty's Government, and to declare its firm resolve
 "to support the Imperial Government to prosecute to a
 "successful end the war which has been forced upon the
 "British nation."

When the Great War broke out in 1914, it was described as a war to end all wars, and so in 1918 when the world woke up to hear the blast of sirens and the sound of trumpets announcing the Armistice

the feelings of the inhabitants of Nigeria, and this is so much verified by the recent loyal messages which have been streaming to Your Excellency from different parts of Nigeria.

The Mover has spoken at length on his Motion, and I am not going to repeat everything he has said. We in this part of Nigeria are very poor, comparatively with other parts of the Dominions of the Empire, but I assure Your Excellency that our loyalty is as rich as that of any other part in the Dominions of the Empire. We are steadfast, and we shall pool all the weight of the resources at our disposal on the side of the strong government that gives us equality, liberty and justice. We shall remain so until the intransigent dragon of Nazism is destroyed once for all, and the whole world is restored to everlasting peace.

With these few words, Your Excellency, I have to second the Motion.

His Honour the Chief Commissioner, Western Provinces:

Your Excellency, in the past week or two I have visited the headquarters of four Yoruba Obas and of two or three other native authorities in the Western Provinces. I have addressed public meetings of their Councils on the subject of the war, Britain's aims, and the general situation and its influence in Nigeria. Everywhere, I have been impressed by the genuine sincerity of the people of this country. Their attitude is not the outcome of warlike fervour or military emotion; it is the result of a calm and reasoned consideration and appreciation of the reasons and causes of the war and of all it involves. The people of this country know quite well that Great Britain is fighting for the principles of right and justice against terrorism and brute force. They are in no doubt whatever as to the extent to which they are indebted to those very principles for the years of peace and for the security of life and property which they have enjoyed under the British protection. Your Excellency has received messages of loyalty and offers of service from the Yoruba Obas and from many native authorities and Chiefs in the Western Provinces. I can assure you, Sir, those messages only partially and imperfectly convey the depth of steady, enduring loyalty which the people feel.

In the name of the Obas and Chiefs, and of the people of the Western Provinces, I support this Motion.

The Commercial Member for Lagos (The Hon. R. M. Williams):

Your Excellency, it is not the habit of the British people in times of stress and anxiety to talk, and I feel sure that I shall interpret the wishes and feelings of the British community in Nigeria if I only say, on their behalf, that knowing their duty, they will do it, and ask Your Excellency to say to Britain that here in obedience to her word, we wait,

The Member for the Rivers Division (The Hon. S. B. Rhodes):

Your Excellency, seeing that the Honourable the Chief Commissioner for the Eastern Provinces is not here today, and we from the South have sent in several Resolutions through him, which I believe he has conveyed to Your Excellency, I rise to support the Resolution, and in doing so, Your Excellency, I speak not as a man who has had rumours of war, but I speak as a man who has actually had a taste of the last war; I speak as a man who has actually handled a rifle; and I speak as a man who has gone for days without a bath in 1914—and I believe the Honourable the Second Lagos Member also can say that.

Now, Sir, we know what war is. We knew what it was in 1914 and 1915, and to-day, from what we are told, there is an improvement even in that of 1914 to 1918. What I wish to say is this—that we have been hearing a lot about eighty million Germans, but Nigeria alone, as an integral part of the British Empire, can boast a quarter of that population. We have twenty millions, and I feel this much—that if the time does come when man-power is required to support Britain in this war—age limit or no age limit—we shall all be prepared to do our best.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

Your Excellency, I rise on behalf of all Ibo speaking people, to associate myself with the Motion so ably moved by the Honourable Member for Egba Division. It is said that there are many ways of killing a fowl without the use of a knife. There are many ways of our being loyal to the British Empire without even carrying a gun. We are quite prepared to help in managing our internal affairs, paying our taxes in time, praying to the Almighty for victory, and contributing our little sums towards the War Relief Fund.

I have to thank Your Excellency for the immediate steps you took by sending telegrams to His Honour the Chief Commissioner who communicated straight away with the Residents of the Eastern Provinces to regulate prices of foodstuffs, thereby saving profiteering. We shall not be doing our share to the British Empire by planning how to increase our revenue, we cannot be doing our duty to the British Empire by raising prices every minute, but I think we can do and give our wholehearted support to the British Empire by co-operating with the various administrative officers, in the Eastern Provinces especially, to maintain peace and order. I therefore support the Motion.

The Hon. the Deputy Chief Secretary:

Your Excellency, I was for many years a political officer in the Northern Provinces, and my work has taken me from Ilorin on the one side to Adamawa on the other. I number among my friends

many Chiefs, Mohammedan and others, and I should like to take this opportunity to say that I would back everything I possess on the loyalty and the desire of these Chiefs, one and all, to see the armies of Britain victorious against Hitlerism. I am entirely convinced that this is so, and that the feeling is universal among Chiefs and people throughout the Northern Provinces of Nigeria.

The Member for the Ibibio Division (The Hon. Nyong Essien):

Your Excellency, I rise on behalf of the Ibibio people to associate my name with the Motion which is before Your Excellency this morning. When it was announced that Your Excellency was going away from us,—I say this without fear of contradiction—a general prayer was offered that Your Excellency should extend the time of your regime in Nigeria to cover the usual five years of governorship. In a very mysterious way, that prayer has been answered, and Your Excellency's going away has been delayed, even though it is so by war.

Anyway Sir, the time of peace represents refreshment; and no refreshment can be enjoyed without being thought of as being the fruit of labour which, in a sense, means war. Peace cannot be enjoyed unless it is born out of war. I am proud, Sir, to say this—that the principles of the British Government are peace, right and justice; and that our Government has never been aggressive in so far as the maintenance of these principles is concerned. It is our policy to maintain the world's peace. Therefore, whatever might have been the cause of the present circumstances, I hold, Sir, on behalf of the Ibibio people, on behalf of Nigeria, and on behalf of the Empire in which the sun never sets, that those principles of our Government must be upheld until victory is ours.

By permission I am saying, Sir, that whatever might have been the nature of our past relationship in Nigeria, it is buried; whatever it will be in the future, of that we are careless. All that we do know now is to act in the living Present—heart within and the God of Right and Justice o'erhead—till we triumph over the Government of might, wrong and injustice.

With this, I beg to support the Motion.

The Member for Calabar (The Rev. & Hon. O. Efiang):

Your Excellency, It gives me the greatest pleasure in supporting this Resolution of loyalty which is to be transmitted to the Imperial Government under which we serve. I want to say that our loyalty is unflinching and our appreciation and gratitude to the Government is constant as long as we have our existence. It is superfluous to reiterate what my predecessors have said, I would only say that

though we have very little resources to draw from, in order to exhibit concretely our loyalty, yet we will, by all the effort at our command, exemplify that loyalty, that gratitude and that appreciation, and we trust this Council and Your Excellency will transmit our warm sentiments, with all the enthusiasm that it has, to the British Government. I speak on behalf of those I represent—Calabar in particular, Nigeria in general. Words are inadequate to express our feelings. I beg to support the Motion.

The Hon. the Chief Secretary to the Government:

Sir, nothing could give me greater pleasure than to support personally, and on behalf of my official colleagues, the Resolution which has been so ably and appropriately moved by the Honourable Member for Egba Division. I think it is but fitting that our first action at this, the first meeting of the Council since war was declared, should be to express our attitude in regard to this war which has been thrust upon us.

Certain Honourable Members have referred to the fact that we are not wealthy, and we are certainly not very wealthy at the present time in so far as cash is concerned, but we are wealthy in another way, that is to say as regards exportable tropical products and so on, and we can make a tremendous contribution towards the success of the campaign we are now conducting against Hitlerism by doing everything we can to supply the needs of the Mother Country and other parts of the British Empire with the produce that we are so fortunate in having here, and which is so valuable in time of war.

The Honourable Member for the Rivers Division referred to the fact that if it was a case of man-power, and the need arose, he had no doubt in his own mind that Nigeria would make her contribution. Well, we have evidence of that already. The eagerness with which the people—young men—in all parts of the country have come forward and volunteered their services is indeed most gratifying. This Resolution is but one of a very large number which have been passed in Nigeria, and which have been received by you, Sir, from every corner of our country; let there be no mistake about it, these expressions are not mere lip service; they are not mere words: they register a fixed determination on the part of the whole of Nigeria to do its utmost to support His Majesty's Government in the prosecution of this war, and to bring it to a successful conclusion as soon as may be. These expressions also, I feel, register a desire and a willingness of the people of Nigeria to make any sacrifice on their parts which may be necessary to bring the war to a successful conclusion.

It gives me great pleasure to support this Motion.

The Motion was adopted unanimously.

afterwards. The only reason for introducing this Resolution, Sir, is that Government should be prepared with an approved policy in certain eventualities.

A few words at this stage would not be out of place, Sir, on the general effect of economic warfare on the finances of Nigeria. We are all very well aware that Nigeria depends for more than half of its revenue on Customs Duties, and therefore our financial position is particularly vulnerable if the volume of our imports suffers, and I think it is bound to suffer. Whether in the long run the volume of imports will recover must depend on a number of factors, principally shipping space, the preoccupation of manufacturing countries with armaments, our inability to obtain imports even if we wanted them; so that we are in danger of suffering a considerable reduction in volume of our imports. Another aspect of this, Sir, is that the conduct of economic warfare, on a worldwide scale, against the enemy, such as is the policy of His Majesty's Government, has already had effects locally; restrictions have been imposed on the export of the principal products of Nigeria, and control of foreign exchange has been imposed, and these restrictions are beginning to have their effect on imports and that effect will intensify as the economic warfare becomes more stringently and more widely applied. So that with this treble threat to our source of revenue, Government must be prepared with some other means of protecting its income, should those losses prove to be so serious as to require possibly a reduction of the services and maintenance of the activities of the country as a whole. The strictest economy of expenditure will be imposed; measures to that end are already in preparation, but the savings therefrom will be more than consumed, I fear, in the increased military expenditure which we must incur in the expansion of our local military forces. Customs Duties are already at a very high level, and it is desirable that any general increase should be avoided unless as a last resort, and it is in these circumstances then, Sir, that attention has been turned to the possibility of imposing a sliding scale of export duties.

The general principles of a sliding scale are I am sure well known to all Honourable Members, so that it does not need explanation. As a simple example take palm kernels: At the outbreak of war their local price was about £4 10s. per ton, and the export duty 10s. 6d. per ton; a rate of approximately eleven per cent to twelve per cent. The price has already risen to-day to £5 10s. a ton, but the export duty still remains at 10s. 6d., so that the yield from that export duty, on the value of those products, is reduced. The rate is now approximately nine per cent, and if the price rises further, as is probable, so Government will receive a diminishing share as a percentage of the proceeds of the sale of those products. Although

as I have said no spectacular rise in prices is anticipated, Government does wish to be prepared, and to know what steps, acceptable in principle, it will be able to take in emergency, in order to protect the revenue.

There are arguments against sliding a scale of export duties; it has disadvantages, one of which, for instance, is that the Government cannot foresee and estimate what revenue it is likely obtain from that source in any given year of account. Similarly, commercial firms are not able so easily to estimate the costs and differentials, and the fixing of prices to producers is complicated. But whatever these disadvantages, Sir, and whatever the merits—and there is much to be said on both sides—there is no doubt that it may become expedient to impose such a measure, and I know that Your Excellency would like to have the assurance of this Council, so that you may be guided in emergency that such a principle has the approval of Council.

Your Excellency, I beg to move the adoption of this Resolution.

The Hon. the Comptroller of Customs:

I beg to second.

The Commercial Member for Lagos (The Hon. R. M. Williams):

Your Excellency, the Honourable the Financial Secretary has treated the imposition of a sliding scale of export duties as a wartime measure, and I am not easy in my mind at his so treating it. He has called it a sliding scale of export duties, but has repeatedly alluded to the use of it in an emergency. If so, I am rather inclined to think that it will not be a sliding scale at all, but there is a danger that it may be a case of the country suddenly finding it wants more money and, a state of emergency being held to exist, it puts up duty arbitrarily and calls it a sliding scale. This question of an export duty is not a wartime measure, it is a peacetime measure too, and I for one think it would be very advisable if our export duties were always on a sliding scale. This country, as the Financial Secretary points out, is to an unusually large extent dependent on produce prices. Not only are our revenues from produce affected and those from merchandise, but almost every other source of revenue is indirectly affected. I am prepared to support a sliding scale of export duties as a permanent feature of the economy of the country, but with that sliding scale there must go some stabilisation fund by which the country will be enabled to put aside, shall we say, excess receipts in good years to balance the deficits in bad years. I support the Motion as it stands for the moment, but I should like the assurance of the Financial Secretary or Your Excellency that the proposal will be considered in its larger bearing rather than as a wartime measure,

in point only applies to pensionable Government servants, but the Government considers that it should apply to all Government servants provided they are on the fixed establishment, no matter whether their posts are pensionable or not, and provision is made accordingly in the amending Bill.

Section 5 of the Bill, Sir, is merely to correct certain minor errors to which I referred earlier. Turning to section 6, there is one amendment, perhaps, of interest, and it relates to the cadets in the territorial battalion. Under the law as it stands at present, no cadet can receive a commission until he has served as a cadet for two years. The Commandant feels, however and the Government agrees, that we should not necessarily oblige a cadet to serve for two whole years if he can make himself efficient before that time. The Bill accordingly provides in effect that the active period should be left to the discretion of the Commandant, with the approval of the Governor. I may say that some of the cadets already in the territorial battalion are showing great promise, and I believe I am right in saying that they should be fit to receive their commissions some time before the two years has expired.

Then, Sir, there is a section 6 (b), another minor amendment. It means in effect this: that to get a commission in the territorial battalion a member of the unit need not necessarily have been a cadet. We have, for example, a case the other day, where a retired police officer had had long and varied military experience before he joined the police, and it was felt that it would be an excellent thing if we could give him a commission in the territorial battalion in view of his past experience, and that has been done.

The other amendments referred to in section 6, Sir, are all of a very minor nature, and I will give any further explanation that may be required when we reach the Committee stage. There is also a slight amendment to section 3 of the Bill, which I shall move when we reach it.

I beg, Sir, to move the first reading.

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a first time.

MOTION.

The Hon. the Chief Secretary to the Government:

Sir, I beg to move that Standing Order 34 be suspended to enable this Bill to be carried through its remaining stages, and also to enable the remaining Bills on the Agenda to be carried through all their stages,

The Hon. the Deputy Chief Secretary:

I beg to second.

The motion was adopted.

The Hon. the Chief Secretary to the Government:

Your Excellency, I beg to move the second reading of the Bill entitled "An Ordinance to amend the Local Forces Ordinance, 1938."

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Chief Secretary to the Government:

Your Excellency, I have a slight amendment to move to clause 3, and that is the addition of the following words in sub-section 3: "and by the substitution of the word 'any' for 'either' in sub-section 2." I might read sub-section 2 to make the position clear.

(Clause read).

As I explained earlier, there were only two self-contained units, but there are now three, and therefore the word "either" should be deleted and the word "any" substituted.

His Excellency:

In which sub-section of this Bill?

The Hon. the Chief Secretary to the Government:

Sub-section 29, 2, Sir.

Amendment agreed to.

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Chief Secretary to the Government, seconded by the Honourable the Deputy Chief Secretary, the Bill was read a third time and passed.

THE TRADING WITH THE ENEMY ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance to impose Penalties for trading with the Enemy, to make provision as respects the Property of Enemies and enemy subjects, and for purposes connected with the Matters aforesaid."

under Part VI of the existing regulations. Under the Nigeria Defence Regulations, as you know, he has taken action in respect of enemy property and whatever action he has taken will be construed to have been taken under this Ordinance and will be continuous with subsequent acts taken under this Ordinance.

As a consequence of the amendment of the Ordinance in this respect that Part of the Nigeria Defence Regulations should be revoked because the Public Custodian ceases to exist and the Custodian of Enemy Property will act only under this Ordinance.

The final clause will be the clause repealing two Ordinances—the First Public Custodian Ordinance and the Second Public Custodian Ordinance—which were enacted during the last war.

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a first time.

The Hon. the Acting Attorney-General:

Your Excellency, I beg to move the second reading of a Bill entitled “An Ordinance to impose penalties for trading with the Enemy, to make provision as respects the Property of Enemies and Enemy Subjects, and for purposes connected with the matters aforesaid.”

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

Clause 2.

The Commercial Member for Lagos (The Hon. R. M. Williams):

Your Excellency, I do not feel that the definition of “enemy subject” covers enemy subjects now on parole in Nigeria.

His Excellency:

They are covered by the definition of “enemy subject.”

The Commercial Member for Lagos (The Hon. R. M. Williams):

Is it desirable that this Bill should apply to them in their private capacity?

His Excellency:

What is prohibited in the Bill is not dealing with an enemy subject but trading with the enemy.

The Hon. the Acting Attorney-General:

I think that it does include enemy subject but Your Excellency is empowered to exempt any enemy subject in your territory from the operation of this Ordinance.

The Hon. the Chief Secretary to the Government:

At any rate no enemy is allowed to trade in Nigeria.

The Commercial Member for Lagos (The Hon. R. M. Williams):

What is the position of a person who sells a loaf of bread to an enemy subject?

The Hon. the Acting Attorney-General:

Strictly speaking that is so, but the Ordinance will be applied with discretion.

His Excellency:

Mr. Attorney-General, in clause 4 (1) "enemy" as defined will not include any person merely because he is an enemy subject. What is prohibited is trading with the enemy. In other words trading with an enemy subject is not prohibited. Private purchases by enemy subjects who are at liberty are not prohibited.

The Hon. the Acting Attorney-General:

In view of Your Excellency's elucidation I withdraw what I said, Sir.

Clause 9.**The Hon. the Acting Attorney-General:**

Your Excellency, I move the deletion of sub-clause (6) of clause 9 in the printed Bill as well as the deletion of sub-clause (7) in the printed Bill and the substitution of the following as sub-clause (6):—

"(6) All fees as may be prescribed under or by virtue of
" this section shall be paid to the Custodian who shall pay
" the same into the Treasury."

I also move that sub-clause (8) in the printed Bill be re-numbered (7) and that the following addition be made to the new sub-clause (7) (c), that is, by the alteration of the full stop to a comma after the word "section" in, and, by the addition of the following words:—

" or by a regulation made under this Ordinance."

His Excellency:

I think sub-clause (6) should read "all such fees . . . ,"

The Bill having passed through Committee with two amendments, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Deputy Chief Secretary, the Bill was read a third time and passed.

THE ALIENS RESTRICTION (AMENDMENT) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance to amend the Aliens Restriction Ordinance." The policy of this Bill was decided before the outbreak of war and it was done to bring the Aliens Restriction Ordinance (Chapter 159 of the Laws of Nigeria) into line with existing legislation in England. Nigeria in 1914 enacted the Aliens Restriction Ordinance modelled on a similar Act of Parliament which enables Your Excellency to make Regulations restricting the movement of aliens in Nigeria during a state of war or during a state of emergency or threat of other national danger and this amendment will enable Your Excellency to make those Regulations at any time. It will delete the condition that the Regulations could only be made when war threatens or during a state of emergency.

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a first time.

The Hon. the Acting Attorney-General:

Your Excellency, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Aliens Restriction Ordinance."

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a second time.

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 Deputy Chief Secretary, the Bill was read a third time and passed.

THE CHIEF COMMISSIONER AND SECRETARY, SOUTHERN PROVINCES
(SUBSTITUTION OF TITLES) ORDINANCE, 1939.

The Hon. the Acting Attorney-General:

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance to provide for the exercise and performance of the powers and duties of the Chief Commissioner, Southern Provinces and the Secretary, Southern Provinces by the

Chief Commissioners and Secretaries of the Eastern and Western Provinces." The objects of this Bill will be to substitute for the term "Chief Commissioner, Southern Provinces" and "Secretary, Southern Provinces" in all enactments the terms Chief Commissioner and Secretary of the Eastern and Western Provinces, respectively wherever they occur in relation to any act done in connexion with the Eastern and Western Provinces. The Eastern and Western Provinces are defined in the Interpretation Ordinance which has just been passed.

Clause 3 of the Bill makes the provision I have just mentioned and clause 4 will enable Your Excellency by Notice in the Gazette to define anything arising out of the substitution of these terms which may subsequently be found to be uncertain. That has been inserted out of caution in case we find in future that section 3 is not quite clear.

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a first time.

The Hon. the Acting Attorney-General:

Your Excellency, I beg to move the second reading of a Bill entitled "An Ordinance to provide for the exercise and performance of the powers and duties of the Chief Commissioner, Southern Provinces and the Secretary, Southern Provinces by the Chief Commissioners and Secretaries of the Eastern and Western Provinces."

The Hon. the Deputy Chief Secretary:

I beg to second.

Bill read a second time.

Council in Committee.

The Hon. the Acting Attorney-General:

Your Excellency, I move that the full stop at the end of the title be deleted and the word "respectively" be added after the words "Western Provinces."

Amendment adopted.

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Acting Attorney-General, seconded by the Honourable the Deputy Chief Secretary, the Bill was read a third time and passed.

ADJOURNMENT.

The Council adjourned at 11.55 a.m. sine die.