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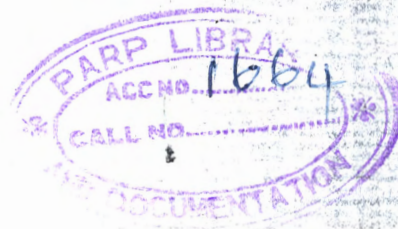


NIGERIA.

LEGISLATIVE COUNCIL
DEBATES.

FIFTH SESSION, 1927.

(1ST, 4TH AND 5TH FEBRUARY, 1927.)



LAGOS:
PRINTED BY THE GOVERNMENT PRINTER.

1927.

DEBATES

IN THE

LEGISLATIVE COUNCIL OF NIGERIA,

ON

Tuesday 1st February, 1927.

On the opening of the Meeting, the Honourable the Members of the Legislative Council met at the Council Chamber, Lagos, at 10. A.M. on Tuesday the 1st February.

PRESENT :—

- The Governor,
His Excellency Sir Graeme Thomson, K.C.B.
- The Chief Secretary to the Government,
The Honourable Mr. F. M. Baddeley, C.M.G.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major U. P. H. Ruxton, C.M.G.
- The Attorney-General,
The Honourable Mr. D. Kingdon, K.C.
- The Commandant,
The Honourable Colonel W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. T. B. Adam.
- The Treasurer,
The Honourable Mr. D. S. MacGregor, C.B.E.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.
- The Acting Comptroller of Customs,
The Honourable Mr. W. K. Duncombe.
- The Acting Secretary for Native Affairs,
The Honourable Mr. G. J. F. Tomlinson.
- The Honourable Mr. R. A. Roberts, C.B.E., Senior Resident.
- The Honourable Mr. E. J. Arnett, C.M.G., Senior Resident.
- The Honourable Captain W. A. Ross, C.M.G., Senior Resident.
- The Honourable Major J. M. Fremantle, M.B.E., Senior Resident.
- The Honourable Captain P. Lonsdale, Senior Resident.
- The Deputy Chief Secretary,
The Honourable Mr. T. S. W. Thomas, O.B.E.
- The Acting Secretary, Southern Provinces,
The Honourable Major C. T. Lawrence, O.B.E.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, C.M.G.
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.
- The Acting Postmaster-General,
The Honourable Mr. L. Bettesworth.
- The Second Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.



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The Member for the Colony Division,
The Honourable Mr. Kitoyi Ajasa, O.B.E.

The Member for Shipping (Provisional)
The Honourable Mr. H. S. Peggetter.

The Member for Calabar,
The Honourable Mr. K. Ata-Amouu.

The Banking Member,
The Honourable Mr. W. F. Becker.

The Mining Member,
The Honourable Mr. A. L. Butler.

The Commercial Member for Port Harcourt (Provisional)
The Honourable Mr. T. E. Wilson.

The First Lagos Member,
The Honourable Mr. E. O. Moore.

The Member representing the Niger African Traders,
The Honourable Mr. S. C. Obianwu.

The Commercial Member for Calabar,
The Honourable Mr. G. Graham Paul.

The Member for the Egba Division,
The Honourable Mr. S. H. Pearse.

The Member for the Rivers Division,
The Honourable Mr. Mark Pepple Jaja.

The Member for the Oyo Division,
The Honourable Mr. E. H. Oke.

The Commercial Member for Kano,
The Honourable Mr. J. W. Speer.

The Third Lagos Member,
The Honourable Dr. J. A. Caulerick.

The Commercial Member for Lagos,
The Honourable Mr. R. F. Irving.



ABSENT:

His Honour the Lieutenant-Governor, Northern Provinces,
The Honourable Mr. G. W. Webster, M.B.E., Senior Resident,
The Honourable Mr. J. C. C. P. Sciortino, Senior Resident,
The Honourable Mr. C. W. Alexander, Senior Resident,
The Honourable Mr. E. H. B. Laing, Senior Resident,
The Secretary, Northern Provinces,
The Member for the Ibo Division.

HIS EXCELLENCY THE GOVERNOR.

HONOURABLE MEMBERS OF COUNCIL.

I have already circulated to Honourable Members in my annual address, a brief summary of the principal events in Nigeria during the past year.

I do not wish to add anything at present to the information contained in that summary. I therefore propose that we now proceed with the Order of the Day.

OATHS.

The Honourable the Acting Director of the Medical and Sanitary Service, the Honourable the Acting Comptroller of Customs, the Honourable the Acting Secretary for Native Affairs, the Honourable the Senior Resident, Onitsha Province, the Honourable the Senior Resident, Cameroons Province, the Honourable the Acting Secretary, Southern Provinces, the Honourable the Acting Director of Public Works, the Honourable the Acting Postmaster-General, the Honourable the Member for Shipping (Provisional), the Honourable the Commercial Member for Port Harcourt (Provisional), and the Honourable the Commercial Member for Lagos, took the Oath as Members of the Council, together with the Clerk of the Council.

MINUTES.

The Minutes of the Meeting of the 5th of May having been printed and circulated to Honourable Members, were taken as read, and confirmed.

PETITIONS.

Nil.

PAPERS LAID.

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

- Sessional Paper No. 16 of 1926, Annual Report on the Marine Department for the year 1925.
- Sessional Paper No. 17 of 1926, Annual Report on the Public Officers' Guarantee Fund for the year 1925.
- Sessional Paper No. 18 of 1926, Annual Report on the Police Department, Northern Provinces, for the year 1925.
- Sessional Paper No. 19 of 1926, Annual Report on the Education Department, Northern Provinces, for the year 1925.
- Sessional Paper No. 20 of 1926, Annual Report on the Prisons Department, Northern Provinces, for the year 1925.
- Sessional Paper No. 21 of 1926, Annual Report of the Agricultural Department for the year 1925.
- Sessional Paper No. 22 of 1926, Annual Report of the Lands Department, Northern Provinces, for the year 1925.
- Sessional Paper No. 23 of 1926, Annual Report on the Lands Department, Southern Provinces, for the year 1925.
- Sessional Paper No. 24 of 1926, Annual Report of the Prisons Department, Southern Provinces, for the year 1925.
- Sessional Paper No. 25 of 1926, Despatch from Secretary of State approving Estimates, 1926-27.
- Sessional Paper No. 26 of 1926, Annual Report on the Customs Department, Nigeria, for the year 1925.
- Sessional Paper No. 27 of 1926, Annual Report on the Posts and Telegraphs Department and Post Office Savings Bank for the year 1925.
- Sessional Paper No. 28 of 1926, Annual Report of the Education Department, Southern Provinces, for the year 1925.
- Sessional Paper No. 29 of 1926, Annual Report on the Public Works Department for the year 1925.
- Sessional Paper No. 30 of 1926, Annual Report on the Police Department, Colony and Southern Provinces, for the year 1925.
- Sessional Paper No. 31 of 1926, Annual Report on the Forest Administration for the year 1925.
- Sessional Paper No. 32 of 1926, Treasurer's Report on the year 1925-26.
- Sessional Paper No. 33 of 1926, Annual Report on the Lands Department, Colony and Southern Provinces, for the year 1925.
- Sessional Paper No. 34 of 1926, Annual Report on the Veterinary Department for the year 1925.
- Sessional Paper No. 35 of 1926, Annual Report on the Mines Department for the year 1925.

Sessional Paper No. 36 of 1926, Annual Medical and Sanitary Report for the year 1925.

Sessional Paper No. 37 of 1926, Re-organisation of the African Clerical Service.

Sessional Paper No. 38 of 1926, Plague in Nigeria: Report by Colonel Sir E. N. Thornton, K.B.E., etc.

Sessional Paper No. 39 of 1926, Report on the Kaduna Water and Electric Light Schemes.

Sessional Paper No. 40 of 1926, Road Construction in Nigeria.

Sessional Paper No. 41 of 1926, Report upon the Main Drainage of Lagos.

Sessional Paper No. 42 of 1926, Advisory Committee on Native Education in Tropical Africa.

Sessional Paper No. 1 of 1927, Report of a Committee appointed to report on the Harbour Works at Lagos and Port Harcourt with special reference to the charges to be levied in connection with the same, and the general control of the ports; and connected correspondence on the subject of the constitution of an Advisory Committee, the formation of a separate Harbour Department, and on the administration of the harbours at Lagos and Port Harcourt.

Draft Estimates, 1927-28.

Memorandum on the Draft Estimates, 1927-28.

Report of the Motor Traffic Committee, 1926.

Report of the Northern Provinces Housing Committee.

Report of the Southern Provinces Housing Committee.

Supplementary Estimates for 1925-26.

Supplementary Estimates for 1926-27.

QUESTIONS.

The Hon. the Member for Calabar:—

1. To ask whether it is not a fact that a great portion of the culverts and drains in the Native Town, Enugu, were made at night?

(b) Did the masons working under the Public Works Department, Enugu, go on strike because they were compelled to work with the aid of bonfires? Was their leader arrested and sent to prison? Has not the work carried on under such conditions been found to be badly executed and condemned by the Inspector of Works?

The Hon. the Acting Director of Public Works:—

(b) (i) No work was done with the aid of bonfires. A number of masons were required to make good some bad workmanship. The men concerned stopped working in protest for periods of from one to four days. One mason who wished to return was assaulted by another who did not. This led to arrest and conviction of the guilty party. The Public Works Department was not connected with the assault, arrest, or subsequent proceedings.

(ii) The conditions referred to did not exist. Bad workmanship found was required to be made good.

The Hon. the Member for Calabar:—

2. Whether the Public Works at Calabar should not have improved the drains before the streets were improved?

(b) Whether the officer of the Department, after he had admitted before His Excellency the Governor that he had wasted some money by the procedure adopted, did not continue to improve the streets without taking notice of the drains?

(c) Whether an officer should not be asked to refund money when it is shown that the officer has shown a deliberate indifference as to whether public money is wasted or not?

The Hon. the Acting Director of Public Works:—

It would have been preferable for the drains to have been improved before Offiong and Eyo Edem Streets were improved. Drains could economically be constructed only in the dry season. In the interests of the Calabar public it was decided not to delay improvement of streets.

(b) There is no record of admission to His Excellency of a waste of money.

(c) Deliberate indifference has not been shown. In the case referred to the officer in charge of the work fully appreciated the difficulties and relative costs of alternative methods before deciding upon the procedure adopted.

The Hon. Member for Calabar:—

Arising out of the answer to part (b) of the question, may I ask the Director of Public Works what steps he took to find out whether the matter was brought before His Excellency when at Calabar, or not?

His Excellency:—

May I observe that the matter was not brought before me? It is stated that there is no record of admission of waste of money. I can confirm that from my own personal recollection.

The Hon. the Member for Calabar:—

3. To ask whether the Niger Lands Transfer Ordinance did not convey only administrative and not territorial rights?

The Hon. the Attorney-General:—

No, Sir.

The Niger Lands Transfer Ordinance conveyed to the Government certain lands over which the rights of private ownership had been granted to the Niger Company. These lands are, therefore, Crown lands.

The Hon. the Member for Calabar:—

4. To ask how much money per annum does the Government receive for the use of the lands at Burutu?

(b) How much does it pay to the rightful owners?

(c) What is the nature of the title of the Government to these lands?

The Hon. the Acting Secretary, Southern Provinces:—

Seventy-eight pounds.

(b) and (c) The whole amount is paid into revenue, as this is Crown Land.

The Hon. the Member for Calabar:—

5. Why has the lease promised by the Government to Mrs. Nelly Thomas, of Warri, been held over, since it is admitted that the poor woman was in occupation of the site for many years before the Government lease was made?

(b) Whether it is not fair and equitable that the woman should get a lease of ninety-nine years to carry a nominal rent of 1s. per annum?

The Hon. the Acting Secretary, Southern Provinces:—

Mrs. Nelly Thomas is in occupation of land under a lease to her husband S. S. Thomas and this lease will not expire until the 22nd of May next. No question of delay therefore arises.

(b) Since the Government's title to the land is a lease which will expire in the year 2006 Government is not in a position to grant a lease for ninety-nine years.

No reasons are known why the rent should be reduced to 1s. per annum. The rent reserved will remain for the present at £10 which has been paid without demur for the last twenty years.

The Hon. the Member for Calabar:—

Arising out of the first part of the answer. May I ask whether it is a fact that the people who are holding these leases are being asked by the Station Magistrate to renew their leases although the time has not yet expired, and if so, why?

The Hon. the Member for Calabar:—

12. To ask how much of the Nigerian Loan was raised in Nigeria? What encouragement was given to the people to subscribe to the loan?

The Hon. the Treasurer:—

£16,000 of the last Nigerian Loan was collected in Nigeria from twenty-eight subscribers. The loan was advertised but no special encouragement was given to the people to subscribe. The loan was issued in multiples of £100.

The Hon. the Commercial Member for Calabar:—

Arising out of that answer, may I ask in regard to the 1923 loan to Nigeria whether encouragement to subscribe will be given to the people in Nigeria?

The Hon. the Treasurer:—

The second half of the 1923 loan has recently been raised. It was advertised through the Secretaries of the Northern and Southern Provinces and through the Residents, but there were only a few hours in which to get it thoroughly published throughout the country. We were allowed a sum of £25,000, and applications were received for £55,000, so that on the average the applicants will receive about forty-five *per cent.* of what they applied for.

The corresponding circumstances in London were that applicants received about 23½ *per cent.* of what they applied for.

The Hon. the Member for Calabar:—

13. To ask what is the procedure adopted in considering tenders in connection with prison contracts?

(b) Will the Government consider the advisability of appointing a Committee whose duty will be to meet to consider the tenders?

(c) Is any guarantee required of a prospective prison contractor?

The Hon. the Acting Secretary, Southern Provinces:—

Tenders for the Lagos Prison contracts are considered by a Board consisting of a Medical Officer appointed by Government and two senior prison officers. All other prison contracts are considered and awarded by the Director of Prisons acting on the advice of officers familiar with local prices and conditions.

(b) The existing procedure has proved satisfactory and it is not at present proposed to change it.

(c) No guarantee is demanded; it is considered that the interests of Government are sufficiently safeguarded by the terms of the contract.

The Hon. the Member for Calabar:—

14. Whether one of the workmen at the Engineering Department at Port Harcourt was, about August last, arrested for stealing Government material for building steps at one of the European factories?

(b) Did not the Chief Inspector of Police see the steps? Was any departmental inquiry held in connection with the matter? Is the foreman who, it is alleged, ordered the steps to be made, still in the service?

The Hon. the General Manager of the Railway:—

No workmen were arrested nor was any Government material stolen or even used on the work.

(b) The Chief Inspector of Police saw the steps in question. A departmental enquiry was held and the Foreman of Works concerned has been retained in the service. He has an excellent record, and his statement was accepted by the Police.

The Hon. the Member for Calabar:—

15. To ask what time the Post Office extension in Calabar is likely to take place? Whether in order to ensure a proper and efficient control of the Department the Post and Telegraph offices should not be placed in the same building as early as possible?

The Hon. the Acting Postmaster-General:—

Extensions are now proceeding which will permit the Postal and Telegraph work of the Department to be conducted in one building. The answer to the latter part of the question is in the affirmative.

The Hon. the Member for Calabar:—

16. To ask how much has the plague cost the Government from the time it started to December last year? How many Europeans have been brought into the service to deal with the plague?

The Hon. the Acting Director of Medical and Sanitary Service—

The total amount up to the end of December, 1926, was £50,567 2s. 9d. In addition to members of the West African Medical Staff who were detailed for this special work, the total number of Europeans engaged for special plague work has been forty-one, made up as follows: four Medical Officers seconded from the R.A.M.C. and nine Non-Commissioned Officers from the R.A.M.C. as additional Sanitary Inspectors and twenty-eight Rodent Inspectors.

His Excellency:—

Question 17 is purely hypothetical and no such action is contemplated.

The Hon. the Member for Calabar:—

18. To ask whether the Government contemplates raising the status of Government teachers as it has done that of the Superintendents of Education in view of the fact that there can be no improvement in education simply by multiplying the staff of inspectors, no matter how efficient, unless the salaries of teachers are increased to attract the best brains and character into the service?

The Hon. the Acting Secretary, Southern Provinces:—

Provision has been made in the Estimates to effect an improvement in the status and salaries of the African teaching staff.

The Hon. the Member for Calabar:—

19. To ask why Ezeolisah, a Native Court Clerk, under Onitsha Province was dismissed without notice and whether up to the time he was dismissed he had a clean service sheet?

The Hon. the Acting Secretary, Southern Provinces:—

Mr. Ezeolisah was dismissed for disobedience of orders having previously been warned that a repetition of misconduct on his part would result in dismissal. Prior to his dismissal, his service sheet contained two adverse entries.

The Hon. the Commercial Member for Kano:—

20. To ask, in view of the reply to Question No. 7 given in this Council on February 16th of last year, wherein it was stated that the Chief Veterinary Officer should be able to station a Veterinary Officer permanently at Kano, and in view of paragraph 13 of the Annual Report of the Department just issued, wherein it is stated that the officer was only stationed in Kano for three months of the year, whether it is now possible to station an officer there permanently?

The Hon. the Chief Secretary to the Government (on behalf of His Honour the Lieutenant-Governor, Northern Provinces):—

In connection with the anti-rinderpest campaign to be carried out during 1927-28 provision has been made in the 1927-28 Draft Estimates for the establishment of a Veterinary Centre and two immunising camps in Kano Province.

These are to be completed in time to begin inoculation of cattle in that province in 1928, and a veterinary officer will be permanently attached to each camp.

The Hon. the Commercial Member for Kano:—

21. To ask whether it is proposed to increase to a very much larger extent the strength of the Veterinary Department, as in the opinion of the commercial community, the increases that have already been made are regarded as totally inadequate?

The Hon. the Chief Secretary to the Government (on behalf of His Honour the Lieutenant-Governor, Northern Provinces):—

Provision is made in the 1927-28 Draft Estimates for an increase of:—

(a) Two veterinary officers and one veterinary research officer.

(b) Five stockmen for immunising camps.

(c) One outdoor assistant for the laboratory.

This increase is considered adequate to deal with the proposed anti-rinderpest campaign during 1927-28.

The Hon. the Commercial Member for Kano:—

22. To ask whether in view of the success of the Veterinary Farm and Laboratory at Vom, it will be possible to put in hand at once, experimental farms, or at least one, in each stock-raising Province?

The Hon. the Chief Secretary to the Government (on behalf of His Honour the Lieutenant-Governor, Northern Provinces):—

The matter is under consideration.

The Hon. the Commercial Member for Kano:—

23. To ask, in view of paragraph 30 of the Report just issued, wherein it is stated that during the last two years there has been a loss of 550,000 to 600,000 head of cattle by disease, whether Government will consider the advisability of the appointment of a Commission to enquire into this deplorable loss of wealth to the native, and revenue to the Government, caused by rinderpest and other diseases among the general live stock of the Northern Provinces?

The Hon. the Chief Secretary to the Government (on behalf of His Honour the Lieutenant-Governor, Northern Provinces):—

In view of the fact that it is proposed to start an anti-rinderpest campaign on a large scale, it is not considered advisable to appoint a Commission such as suggested by the Honourable the Commercial Member for Kano. The general scheme of this campaign has been fully explained in the Memorandum on the Draft Estimates. The Honourable Member will realise that rinderpest, which is the prime cause of mortality among cattle in the Northern Provinces, can only be tackled effectively by inoculation, and that inoculation could not be commenced until the laboratory had been established and an efficacious serum manufactured.

The Hon. the Commercial Member for Kano:—

24. To ask if the Government will consider the question of granting a seat in this Council to the Head of the Veterinary Department, in view of the vital importance of this Department to the cattle-raising areas of this country?

The Hon. the Chief Secretary to the Government:—

The answer is in the negative.

The Hon. the Member for the Egba Division:—

25. To ask whether arrangements could not be made to light Sunday Lafenwa trains, considering that these trains often enter Iddo late on Sunday evening?

The Hon. the General Manager of the Railway:—

A system of oil lamps has been tried and proved to be unsatisfactory besides being inadequate. Coaches are gradually being fitted with electric light. These trains are scheduled to arrive at Iddo at 18.58 and Lafenwa at 18.42, and since their inception they have on no occasion run late.

The Hon. the Member for the Egba Division:—

26. To ask whether sales by auction of seizures and unclaimed goods are still being carried out in accordance with the provision of Section 275 sub-section (a) of the Customs Ordinance; and how Government is guided in the choice of licensed auctioneers entrusted with these sales?

The Hon. the Acting Comptroller of Customs:—

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

With reference to the second part when the necessity arises the Collector in charge of the port selects from those available the auctioneer whom experience has shewn to be the most satisfactory.



The Hon. the Second Lagos Member :

27. To ask that Government be pleased to state for the information of Honourable Members the extenuating circumstances which presumably led to the adoption by Government of the severe measure of dismissal in the case of Mr. W. S. George, late of the Marine Department, Lagos instead of the less severe measure that was adopted in the case of Mr. Caxton-Martins, also of the Marine Department, Lagos, in view of the fact that these two persons were both found guilty of the same charge, at the same time, and before the same Magistrate, some time last year?

(b) Respectfully directing the attention of Government to paragraph 2 of the Honourable the Acting Director of Marine's letter No. C75/5/16 of May 25, 1926, to ask whether any opportunity of attending the "enquiries," referred to therein, was given to Mr. W. S. George so as to enable him to elucidate, if possible, those representations which "appeared" to Government to contain several statements which are untrue? And

(c) If no such opportunity was accorded to Mr. W. S. George, to ask (1) what special reasons had Government for not doing so, and (2) how was that pronouncement (that certain representations of Mr. W. S. George "appeared" to contain several statements which are untrue) arrived at?

The Hon. the Chief Secretary to the Government :

The action taken as regards both these men followed a decision of the Governor-in-Council. The grounds upon which the Governor-in-Council arrives at any decision are not for publication and are only communicated if necessary to the Secretary of State.

The Hon. the Second Lagos Member :-

28. To ask whether there is any regular and free Venereal Clinic in connection with Government Hospitals and Dispensaries in any part of the Colony or the Protectorate? If not,

(b) To ask to what extent will Government be disposed to give the matter the serious consideration which the establishment of such Clinics undoubtedly deserves?

The Hon. the Acting Director of Medical and Sanitary Service :-

The Out-Patient Department of the African Hospital, Lagos, has run a free venereal clinic for some years. The New Massey Street Dispensary has been especially equipped for this purpose and has four irrigation rooms for males and two for females.

Every dispensary in the country is in itself a free venereal clinic.

The Hon. the Second Lagos Member :

29. Referring to the Report of the Police Department, Colony and Southern Provinces, 1925, under "Recruiting" page 4, paragraph 8, to ask (a) whether the Inspector-General of Police is satisfied that the rate of pay of African officers of his department is sufficiently encouraging to attract men of the educational standard which he considers suitable for the appointments?

(b) Whether the difficulty in obtaining suitable candidates, complained of in the Report, is not likely to rapidly disappear if higher salary and emoluments were offered?

The Hon. the Lieutenant-Governor, Southern Provinces :

(a) I consider the pay of the African officers is adequate.

(b) I do not consider that an increase in pay would have the effect suggested. The system described in paragraph 8 of the Annual Report for 1925 is working satisfactorily.

His Excellency :-

I have disallowed Question 30. It contains a series of expressions of opinions and inferences and makes unnecessary statements.

The Hon. the Second Lagos Member :

31. The Yaba Scheme undertaken by Government with the hope of relieving the increasing congestion in the Island of Lagos, having met with no measure of success to ask whether Government

will not now consider the urgency of providing funds for the reclamation of the remaining swamps in the "native locations" as a means of providing large, useful, and economic building sites on the island?

The Hon. the Chief Secretary to the Government:—

It is not admitted that the Yaba Scheme has met with no measure of success. The Government is already considering how the new reclamation plant, which is due to arrive this year, can best be used for reclaiming swamps on Lagos island.

The Hon. the Second Lagos Member:

32. Referring to the recent addition to the land laws of the Colony which reduces the period between notice of appropriation and actual entry into possession of lands required for public purposes to only six weeks, to ask what measures, if any, have been or are being adopted by Government in order to make illiterate land owners, especially those in districts more or less remote, thoroughly conversant with the new provision?

The Hon. the Chief Secretary to the Government:—

The Honourable Member has been misinformed. There has been no recent addition to the land laws of the Colony which reduces the period between notice of appropriation and actual entry into possession of lands required for public purposes. The change to which the Honourable Member probably refers is that which enables application to be made to the Court for a certificate of title to land acquired after the expiration of six weeks from the date of the publication of the original acquisition notice. This does not affect the question of actual entry into possession, which, under the 1917 Ordinance, has always been possible after six weeks, or a shorter period in cases of urgency. The Government has not considered it necessary, and does not consider it necessary, to take any special measures to bring the recent alteration of the law to the notice of illiterate land owners.

His Excellency:—

Question No. 33 invites an opinion on matters of policy and therefore is inadmissible.

The Hon. the Second Lagos Member:

34. Referring to the Report of the Marine Department, 1925, under "Casualties" page 5, paragraph 16, to ask (a) to what extent has compensation, if any, been paid to the relatives of the seven men who unfortunately lost their lives as the result of the accident in the s.r. *Hercules*?

(b) Whether the statement that "the result of the enquiry showed that both vessels were to blame" was meant to imply some form of negligence on the part of the officers in the immediate charge of the towing operation? If so,

(c) What action has since been taken in order to minimise as far as possible the chances of any such catastrophe recurring?

The Hon. the Director of Marine:

(a) The relatives of the European and five of the Africans who lost their lives received a grant of six months' salary in each case. The relatives of one African have not yet been traced.

(b) No question of negligence on the part of anyone was inferred, but errors of judgment were considered to have been committed on both sides. In speaking about vessels in collision it is customary to use the term "blame" in connexion with one or both vessels, apart from the individuals in them.

(c) All possible steps have been taken at all times to minimise the risk of accidents. I might mention that during the last ten years over 5,000 vessels have entered the port and this is the only accident that has occurred involving any loss of life.

The Hon. the Second Lagos Member:—

35. To ask for a comparative statement of Plague Infection Statistics for the Municipal Area of Lagos, giving (a) the number of deaths during the six months before wholesale inoculation was undertaken in 1925, (b) the number of deaths during the period of wholesale inoculation, (c) the number of deaths during the six months following the period of wholesale inoculation, and (d) to ask how, in the opinion of the Medical and Sanitary experts of the Colony do these figures compare with the number of deaths during the period after immunity?

The Hon. the Acting Director of Medical and Sanitary Service:—

(a) Wholesale inoculation was resumed in May, 1925, and the number of deaths from plague during the six preceding months was 165.

(b) Wholesale inoculation was carried on from May, 1925, to the end of October, 1925, and the number of deaths due to plague during the period was thirty-nine.

(d) Assuming that immunity lasts six months the number of deaths from plague during the six months period 1st May, 1926, to 31st October, 1926, was 354. There was during this period a progressive monthly increase in the number of plague-infected rats and the statistics kept by the Medical Department show that any increase or decrease in the percentage of rat infection is closely followed by a similar rise or fall in the number of deaths from plague. I have a chart here showing the relative curves of rat infection and human death rate.

The Hon. the Second Lagos Member:—

36. To ask what are the duties attached to the office of a Rodent Inspector? (b) To ask whether those duties are of such a technical nature, or carry such extraordinary responsibilities that they could not have been as efficiently performed, and with an appreciable saving to the Revenue, if Africans were appointed under European supervision? And (c) to ask what special training in rat catching, rat inspection, and the "deratting" of premises, had any of the holders of the office prior to his appointment to and arrival in the Colony?

The Hon. the Acting Director of Medical and Sanitary Service:—

(a) and (b) The duties of the Rodent Inspectors are mainly supervisory but in addition they require considerable initiative and tact as they are supervising operations in the houses of the people which are of a nature more drastic than those with which the African Inspector is ordinarily entrusted. The duties of these Rodent Inspectors could not be so efficiently carried out by African Inspectors. Sir Edward Thornton recognised this and specified, in his report, the appointment of European Rodent Inspectors.

(c) The Rodent Inspectors had received instruction in the general principles of rat catching and deratting of premises as part of the general training which they received in the Royal Army Medical Corps.

The Hon. the Second Lagos Member:—

37. To ask the number of European officials of the Marine and Railway Departments, *par exemple*, who are in receipt of motor car allowance, and what are their respective duties? (b) To ask what special reasons have Government for granting motor car allowance to such officials considering that motor pinnaces (in the case of Marine officers) and private coaches and trolleys (in the case of Railway officers) are provided and maintained from Public Revenue for the respective uses of these officers when on duty? (c) And in consideration of the fact that in the ordinary course of business the official duties of Marine officers when in Lagos are confined principally to crossing the lagoon to and from Apapa (for which a motor car is obviously useless), and when on official duties up the line, up the river, up the creek, and along the Coast, etc., etc., all officers have free Government transport, to ask whether it is not an unnecessary expenditure of public money to continue granting motor car allowance to such officers?

The Hon. the Chief Secretary to the Government:—

I lay on the Table a statement which gives the information desired by the Honourable Member.

MOTOR CAR ALLOWANCES.

Marine Department.

Designation of the Posts.	Station.	Duties necessitating payment of such allowances.
Director Deputy Director Superintendent Engineer	— — —	The official duties of these officers take them all over Lagos, Iddo and Ebute Metta, between various offices both Government and commercial.
Divisional Marine Officer and Harbour Master	Port Harcourt	

Nigerian Railway.

Designation of the Posts.	Station.	Duties necessitating payment of such allowances.
Superintendent of the Line	Headquarters, Ebute Metta	Visiting Iddo, Apapa, and Lagos and official inspection duties on tour.
Divisional Superintendent	Ebute Metta Junction Zaria ...	To visit Iddo, Apapa and Lagos, on official duties and general supervision. To visit the Resident, commercial firms, and others at Zaria, Kano, Government Departments at Kaduna Junction, etc., and Mining Areas, Bauchi Plateau.
..	Port Harcourt	Official inspection duties on tour covering visits paid to merchants at different townships, Eastern Division, and for journeys at Enugu and Makurdi in connection with official duties.
Chief Mechanical Engineer	Headquarters, Ebute Metta	Meetings and interviews, Headquarter Offices. Meetings and interviews in Lagos. Mechanical inspections, Iddo and Ebute Metta. Electrical inspections, Apapa and Ijora.
Electrical Engineer	Enugu ...	Inspections all sub-stations, Enugu, supervision cables and installations over widely scattered area. Work in connection with the Iva Valley installation calls for considerable mileage.
Chief Engineer ...	Headquarters, Ebute Metta	General supervision, Ebute Metta, Iddo, Apapa, Carter and Five Cowrie Creek Bridges, etc. (no trolley) also Surveys of Branch Lines.
District Engineer Relaying ...	Kaduna Junction	On Kaduna Junction—Zaria, Relaying and as Road follows line for most of the way saves considerable time in supervision of work.
Chief Storekeeper	Headquarters, Ebute Metta	Inspection of outlying stores, wharfage offices, Iddo and Apapa, interviews with representatives of commercial firms re materials to be purchased locally and inspection of same, timber inspection, Petrol Store, interviews with Government Officers other than Railway.

The Hon. the Second Lagos Member:—

38. To ask whether the Moratorium asked for by the Directors of Messrs. Sir W. G. Armstrong, Whitworth & Co. in December last will interfere with the completion of the Apapa Works within the time specified in the Contract with the Government of Nigeria? and (b) To ask whether the Apapa Contract is one of the Civil Engineering undertakings in which it is stated in the *Times Weekly Edition* that the Company's experience has been disastrous?

The Hon. the Chief Secretary to the Government:—

(a) Messrs. Armstrong, Whitworth & Co., Limited's financial affairs have had and will have no effect on the contract.

(b) I cannot say.

The Hon. the Second Lagos Member:—

39. To ask how many of the works budgetted for by the Public Works Department for the current financial year were given out on Contract to private firms?

(b) To ask in what part of the country are the works, or buildings, erected?



(c) To ask the aggregate cost of the various Contracts given out to date? and

(d) To ask what actual sums of money have been paid out to each contracting firm on account of work done to date? and

(e) To ask whether such works or buildings, have turned out cheaper and more economical, and whether they have been done more expeditiously than would have been the case if they were carried out by the Public Works Department?

The Hon. the Acting Director of Public Works:—

Contracts have been entered into for:—

Item.	Detail.	Amount.
		£
14	Medical Store, Lagos	16,000
17	Police Barracks, Oke Sana	10,229
113	African Hospital, Oshogbo	6,530
208		
& 40	13 New Bungalows	29,050
206	Quarters for African Staff	3,160

In addition tenders have been asked for W.A.F.F. Barracks, Ibadan, and General Hospital, Abeokuta.

(b) The buildings for which contracts have been entered into are being erected at Lagos, Abeokuta and Oshogbo.

(c) The aggregate value of contracts entered into is £81,927. Tenders have been invited for works, additional to those for which contracts have been let, estimated to cost £158,720.

(d) £4,300 has been paid to date to one Contractor in Lagos.

(e) The aggregate value of contracts arranged, £81,927, is £16,958 in excess of the departmental estimate of the cost of work. None of the buildings has yet been completed. It is probable that they would not yet have been completed had they been built departmentally.

The Hon. the Commercial Member for Lagos:—

Arising out of that question, Your Excellency. In view of the difficulties the Director of Public Works is undoubtedly experiencing in coping with important works, will Your Excellency consider the advisability of still further extending the policy of asking for tenders for important works, not only for building, but roads?

His Excellency:—

That question has been and is being very fully considered, and we are steadily increasing the number of works for which we invite tenders by public contract.

The Hon. the Second Lagos Member:—

40. To ask for the estimated cost of the new Public Works Department Offices now in course of erection at Oke Sana?

(b) To ask whether the Honourable the Director of Public Works will give an assurance that (1) the estimated cost will not be abnormally exceeded, and (2) the new offices when completed will provide more useful, and therefore better, accommodation for his staff, and that conditions there will not be worse than those at present obtaining in the present premises on the Marina?

The Hon. the Acting Director of Public Works:—

The estimated cost of the new Public Works Department office is £21,600.

(b) (1) It is not expected that the provision made, £21,600 will be exceeded. (2) The new offices have been designed to provide more useful and better accommodation. Conditions in the new offices will be better than those obtaining in the present offices on the Marina.

The Hon. the Second Lagos Member:—

41. To ask how many new appointments towards increase of staff have been made in the Administrative and Executive Establishment of the Public Works Department since February, 1925, and up to the present time? And if any,

(b) What are the various grades of these new men, their duties, and the average inclusive cost to the Revenue of each man per annum?

(c) In view of the present policy of Government to encourage local industry and to let out large constructional works on private contracts (which relieves or should relieve to a great extent Public Works Department labour, supervision, and responsibility), to ask whether this seeming constant and ever growing addition to the European Staff of this Department is an absolute necessity?

And (d) To ask whether it can be conscientiously affirmed that such constant and ever growing increase is in the circumstances conducive to the financial interests of Nigeria?

The Hon. the Acting Director of Public Works:—

I lay on the table a statement of the new appointments made since February, 1925, and of the cost thereof.

Post.	Whether post filled or not.	If filled how many.	Duties.	Salaries.
Assistant Director ...	Yes	2	Administrative	£1,100 + £220
Assistant Engineers ...	..	14	Construction and maintenance	£480
Senior Architect ...	..	1	Building Plans	£960 + £96
Inspectors, Grade I ...	..	5	Construction	£500
Senior Water Engineer	No.	—	Investigation and design	—
Water Engineer ...	Yes	1	..	£800 + £72
Assistant Accountants ...	..	2	(Including Personal Assistant)	£400
Assistant Station Superintendent	..	1	Ijora Power Station	£480
European Draughtsman	..	1	Building Plans	£480
Engineers, Road Surveys	..	3	Road Surveys	£800 + £72
Royal Engineers seconded as Road Engineers	..	3	..	£800 + £72
European Draughtsman	..	1	Building Plans	£480
Quantity Surveyor ...	..	1	Building Quantities	£600
Inspectors of Works ...	..	2	Construction	£500
Foremen (European Supervision)	..	6	—	£400
		33		

Average Annual Cost to Government of 43 New Appointments since February, 1925.

A. Salary and Duty Pay or Seniority Pay ...	584
B. Pension Charges (20% of A) ...	117
C. Passages between England and Nigeria ...	68
D. Transport Allowances (Motor, Horse etc.) ...	45
E. Travelling and Bush Allowances ...	37
	<u>851</u>

Each Class "A" Officer also gets an outfit allowance of £60, and each Class "B" Officer one of £45; also each Class "B" Officer receives a Camp Equipment set costing about £25, but as none of these is an annually recurrent charge, they have not been included in the £851.

(c) Extension of contract work required an increase in supervision and responsibility on the part of the engineering and architectural staff; it will in due course tend to reduce the number of Foremen or Inspectors needed for departmental work.

(d) Each new appointment has been considered and approved with regard to the financial interests of Nigeria and with the object of furthering those interests.

The Hon. the Second Lagos Member:—

42. To ask how many motor pinnaces are in use at Apapa under the Marine Department for plying on duty along the Lagos Lagoon?

(b) To ask how many Marine officers are authorised to use these pinnaces in the ordinary course of official business?

(c) To ask whether any of these small crafts are employed at any other time to ferry any member of the European staff of the Marine or other Departments?

The Hon. the Director of Marine:—

One, the *Winifred*.

(b) The boat is under the orders of the Principal Marine Officer, Apapa, who details her for such service as he thinks fit.

(c) Yes, in the evenings after working hours and when the ferry steamer is not running. The Principal Marine Officer arranges the time of running as in (b) so that any officers wishing to travel do so together. If the boat is used after 8.30 p.m. at any time the officers concerned pay the crew's overtime.

The Hon. the Second Lagos Member:—

43. To ask whether any of the members of the European staff of the Marine Department at Lagos, or at Apapa, travel now in the Ferry Steamer *Kathleen*, and if so, whether they pay the usual charge for crossing?

(b) To ask whether it is a fact that African artisans employed at Apapa in the Marine Department have each still to pay his fare to and from in the *Kathleen*, and even when sent on errands on His Majesty's Service, during official working hours?

The Hon. the Director of Marine:—

Yes, whenever possible. If travelling on duty their fare is drawn from a petty cash fund which is kept for the purpose and audited, and paid at the turnstile in the usual way; if travelling on their own business they pay themselves. No European whose daily work is at Apapa lives in Lagos and no passengers whatever are carried in the ferry without payment.

(b) African artisans living in Lagos and proceeding to Apapa to work have to pay their own fares when travelling to and fro. When travelling in the ferry on duty their fare is paid for them in a similar manner as for European officers.

The Hon. the Second Lagos Member:—

44. With special reference to the Judiciary, to ask Government to make a statement in elucidation of the following paragraph under "Policy of Administration," which is culled from page 31 of the Nigeria Blue Book Report for 1914:

"Some few departments, whose functions were common, to both North and South, were 'centralised'; viz., placed directly under the Governor-General, who is assisted by a 'Central Secretariat.' These included the Military, the Railway, the Marine, the Judiciary, and the Customs—the latter of which is responsible for the collection of duties on the inland frontiers as well as on the sea-board"

And (b) To ask whether in the above-quoted paragraph, the Judiciary includes the Judges of the Courts considered collectively, as well as the system of Courts of Justice in the Colony and Protectorate of Nigeria, and the various departments of this Government which administer the law relating to civil and criminal justice in Nigeria?

The Hon. the Chief Secretary to the Government:—

The paragraph so far as it relates to the "Judiciary" means that the Judicial Departments of the former Southern Nigeria and Northern Nigeria were centralised or amalgamated. The form this amalgamation took is explained in detail on pages 31 and 32 of the report under the heading "Judicial" to which the Honourable Member is referred.

His Excellency:—

Question 45 is inadmissible as it asks for a statement of policy.

The Hon. the Second Lagos Member:—

46. To ask whether the appointment of "Warrant Chiefs" in the Eastern Province of Southern Nigeria has been prompted, governed, and carried out strictly in accordance with the native custom; such selections having been made by the popular choice of the people and from amongst candidates who are descendants of the natural rulers of the country?

His Honour the Lieutenant-Governor, Southern Provinces:—

It is the policy of the Government to appoint as members in accordance with section 5, sub-section (d), of Chapter 5, chiefs or other persons representing the native communities inhabiting the area within which the Court exercises jurisdiction.

The Hon. the Second Lagos Member:—

47. To ask whether it is a fact that amongst these "Warrant Chiefs" there are retired Policemen, Native Court Interpreters, Native Court Messengers, and Medical Department errand boys,

who have been so appointed ("to be and act as members of the Minor Courts" in their respective provinces) solely upon the recommendations of the official Heads of their Departments for past or long Government service; but who are neither themselves descendants of the natural rulers of the country nor nominees of the people over whom they are appointed to rule and administer justice as chiefs?

His Honour the Lieutenant-Governor, Southern Provinces:—

The answer is in the negative.

The Hon. the Second Lagos Member:—

48. To ask whether there are any "Warrant Chiefs" in any of the Provinces of the Colony acting and sitting at the present time as members of the Minor Courts of the Protectorate who have either been convicted of a criminal offence, or who have actually served terms (or a term) of imprisonment for criminal offences?

(b) If so, will Government kindly state how many there are of such "Warrant Chiefs," what Province or Provinces they are in, and the reason or reasons which may be adduced in justification of their continued tenure of such high offices in the Native Tribunals of the Protectorate of Nigeria?

His Honour the Lieutenant-Governor, Southern Provinces:—

Yes, Sir, amongst the members of Native Courts there are a few that have been convicted of criminal offences.

(b) To collect the information required by the Honourable Member would entail labour out of all proportion to the usefulness of the information obtained.

An offence against the law in the past, irrespective of other considerations, is not considered to be sufficient reason for dismissing a member.

The Hon. the Third Lagos Member:—

49. To ask what reason or reasons had the police to refuse as they did Mr. E. W. Davies, Barrister-at-Law, and the Honourable E. O. Moore, First Lagos Member of the Legislative Council of Nigeria, Barrister-at-Law, standing bail for Mr. Barrister Agosto on the night of the 3rd November last for an offence which actually did not exist?

(b) Disallowed.

The Hon. the Acting Secretary, Southern Provinces:—

(a) Mr. E. W. Davies, Barrister-at-Law, and the Honourable Mr. E. O. Moore, Barrister-at-Law, were not accepted as sureties for bail for Mr. Agosto, Barrister-at-Law, as the Commissioner of Police had accepted another surety prior to their application.

His Excellency:—

Sub-section (b) of question 49 contains inferences and imputations and I have therefore disallowed it.

The Hon. the Third Lagos Member:—

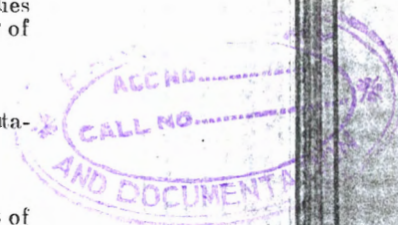
50. To ask the Government why the post of Superintendent of Police in Nigeria has been barred against African officials?

(b) Whether African officers like the late Lieutenant Daniel, Messrs. A. C. Willoughby, T. Raymond Davies, F. Colley Green, Hector Alfred Willoughby, and Adolphus Pratt, who for long and meritorious service received the King's Police Medal, did not amply justify such appointments being held by Africans?

(c) Whether officers such as Mr. Cobham of Calabar who was trained in England, and Mr. Ajayi who very capably superintended the Police Department on two occasions during the Wembley Exhibition, are not considered eligible as Superintendents of Police?

The Hon. the Acting Secretary, Southern Provinces:—

The grade of Superintendent is about to be abolished: this appointment has not hitherto been open to African officers on account of the nature of the duties Superintendents were required to perform in accordance with paragraph 4 of the Regulations under Section 46 of Chapter 32. These facts in reply to the first part of the question, also furnish the answer to the second and third parts of the question.



The Hon. the Third Lagos Member:—

51. To ask for a statement of the number of European officials at present residing in Lagos who will be transferred as personnel of the Secretariat, Southern Provinces, when His Honour the Lieutenant-Governor goes with his Staff to Enugu?

(b) To ask to what extent is the release of the bungalows at present in occupation by these officials likely to modify Government plans for the building of new bungalows during the coming financial year?

(c) To ask for a statement of the number and cost of European bungalows that have been erected at Ikoyi up to date since the £118,850 expended during the years 1920 to 1923?

(d) How many officers will these new buildings provide accommodation for?

The Hon. the Acting Secretary, Southern Provinces:—

The European personnel of the Southern Provinces Secretariat who will eventually move with His Honour is seven in number.

(b) When the move to Enugu takes place seven houses in Lagos and Ikoyi will be vacated, and will be available for other officers.

(c) 1924-1925 and 1925-1926 programmes--thirty-one houses erected at a cost of £48,753.

1926-1927 programme--twenty-four houses in varying stages of construction at an estimated cost of £40,468.

(d) Not less than fifty-five officers will be accommodated.

The Hon. the Third Lagos Member:—

52. To ask whether Government will state for the information of Honourable Members whether a Commission was held in Nigeria from the finding of which the Honourable Mr. C. A. Rhys, M.P., Parliamentary Private Secretary to the Under Secretary for the Colonies, who accompanied the recent Colonial Office Mission to British West Africa, obtained the information upon which he based his statements in the House of Commons on Thursday, July 29, 1926, as published in *West Africa* of August 7, 1926, pages 1001, and 1002?

(b) Whether any of the African Barristers, or the Honourable Mr. Kitoyi Ajasa as the Leader of the Bar, had the opportunity of attending that Commission and of giving evidence on behalf of the Nigerian Bar?

(c) Whether the Honourable Mr. C. A. Rhys, M.P., was officially supplied by the Government of Nigeria with the following information:—

“There is a certain amount of no man's land the ownership of which is not yet decided.”

(b) That in Nigeria “the entire wealth of villages has been mortgaged, and not only that but the incoming wealth for years to come has been mortgaged, to meet the expenditure incurred in litigation.”?

The Hon. the Chief Secretary to the Government:—

The answer to the first part of the question is in the negative. Part (b) does not therefore arise.

(c) It is not proposed to disclose the information supplied by Government to Mr. Rhys.

The Hon. the Third Lagos Member:—

53. Directing the attention of Government to a letter from the Honourable C. A. Rhys, M.P., to the Editor, *West Africa*, published in its issue of December 11, 1926, page 1677, to ask whether the following information contained in that letter was supplied by the Government of Nigeria, namely, “in Southern Nigeria, in particular, land cases are almost invariably transferred to the Supreme Court, where legal practitioners are permitted to appear, and it is an undisputed fact that many chiefdoms are financially impoverished through the high cost of the resulting litigation”? If so,

(b) Will Government please make a statement of the various chiefdoms in Southern Nigeria that have been financially impoverished through the high costs of land litigation before the Supreme Court of Nigeria?

The Hon. the Chief Secretary to the Government:—

It is not proposed to disclose the nature of the information supplied by Government to Mr. Rhys.

(b) It is not proposed to ask chiefs to disclose their private expenditure on litigation.

The Hon. the Third Lagos Member:

54. To ask whether paragraph 23 (Regulation 211 to 215) of the Regulations for His Majesty's Colonial Service, is extant and in force in Nigeria? And if so,

(b) Whether the great privileges which, in the hoary antiquity of British Colonial History, have uninterruptedly been enjoyed under these regulations by subjects of His Majesty the King all over the British Empire, are, in Nigeria, now being curtailed?

The Hon. the Chief Secretary to the Government:—

The answer to the first part of the Honourable Member's question is in the affirmative and to the latter part in the negative.

The Hon. the Third Lagos Member:—

55. To ask whether it is a fact that although Government refused since the opening of the New Yaba Railway Workshops and Offices to grant free transport facilities to and fro to the African clerks and artisans who reside at Lagos and Ebute Metta and petitioned in 1924-1925, such refusal being based upon the grounds that transport was not included in their agreements, yet free trolleys have since been placed at the disposal of European employees of the Railway residing at Ebute Metta and a well-fitted and upholstered charabanc has also been provided which affords regular free daily transport from Ebute Metta leaving at 6.45 a.m. and 12.50 p.m. for European Railway artisans only, 8.15 a.m. and 2.15 p.m. for European Railway officials only; returning from Yaba Workshops and Offices to Ebute Metta at 11.30 a.m. and 4.30 p.m. with European artisans only and 1 p.m. and 4 p.m. with European officials only?

The Hon. the General Manager of the Railway:

Free trolleys have not been placed at the disposal of European officials of the Railway residing at Ebute Metta. Railway trolleys are utilised to transport officers as required in the execution of their duties.

The charabanc referred to is a Ford lorry fitted with seats and is used by the workshop staff in connection with their duties as and when required, and in the case of accident when it is necessary to remove men to the dispensary or hospital for treatment.

This lorry has been used to transport European artisans at present compelled to live in the town of Ebute Metta to and from the shops, but the practice will be stopped.

The Hon. the Third Lagos Member:—

56. To ask what progress has been made since the date of the approval of the Secretary of State for the Colonies as a result of the Housing Scheme for African officials in the Civil Service of Nigeria recommended by the Special Committee appointed to enquire into that scheme?

The Hon. the Treasurer:—

As the Honourable Member may have observed, four notices in regard to the scheme were published in the *Gazette* of the 15th July, 1926, the regulations for the information and guidance of those concerned being included in the Supplement to the same *Gazette*.

Since then the Board has passed five applications for advances under the scheme, and further steps in these cases await the completion by the applicants of the remaining conditions laid down in the regulations. Only one further application awaits consideration.

The Hon. the Third Lagos Member:—

57. To ask whether the attention of Government has been directed to the inconvenient accommodation provided in the African clerks' new quarters at Warri? And if so,

(b) Whether any steps will be taken to provide outhouses to these buildings and proper locks instead of cupboard hooks to the bedroom and sitting room doors?

The Hon. the Acting Secretary, Southern Provinces:—

The reply to the first part of the question is in the affirmative; as to the second part, the building of outhouses is receiving the consideration of Government.

The Hon. the Third Lagos Member:—

58. To ask whether or not it is the policy of the Government of Nigeria to acquire large tracts of land from the natives of Nigeria and trade with such lands by laying out such areas in building plots and leasing them out to natives and Europeans at an enhanced value?

(b) Whether it is true that the Government, having acquired 700 acres of land at Yaba for "Public purposes" in order to relieve the congestion on the island of Lagos promising to give Crown Grants in fee simple to encourage the inhabitants of Lagos to take up plots and houses in that area, have now failed to implement their promise and are offering the plots and houses on lease for high prices for a term of years?

The Hon. the Chief Secretary to the Government:—

No: it is not the policy of the Government to acquire land for the purpose suggested.

(b) The Government gave no such promise. On the 17th of October, 1924, the Governor stated in this Council that he was recommending to the Secretary of State that those who wished to take up plots at Yaba should be given the freehold of such plots. The Secretary of State was unable to accept this recommendation and the Government has no intention of asking him to reconsider his decision. I would refer the Honourable Member to the correspondence published in Sessional Paper No. 14 of 1926. The prices at which the plots and houses are being offered are low, especially when compared with those demanded on Lagos island.

The Hon. the Third Lagos Member:—

59. To ask whether it is true that the Government of Nigeria, having acquired about 400 square miles of Diobu Land from the native chiefs at a nominal sum about fourteen years ago, which sum of money they have up to now refused to accept, have laid out one square mile, at Port Harcourt, in building plots for Europeans from which the Government derive, in some cases, as much as a thousand pounds premium and £100 a year rent secured by leases for seventy-five years for a plot only two acres in area?

The Hon. the Acting Secretary, Southern Provinces:—

The Honourable Member is misinformed as to the area acquired by Government; it was twenty-eight and a half square miles and not 400 square miles. Of this twenty-eight and a half square miles much is swamp and much more was swamp. The Honourable Member will find the remainder of his question answered on July 29th, 1924, and October 17th, 1924. (See Legislative Council Debates of First and Second Session, 1924).

The Hon. the Third Lagos Member:

60. Will the Government make a statement giving the number of plots actually leased out at Port Harcourt to Europeans and the amount derived annually on the leases for those plots?

The Hon. the Acting Secretary, Southern Provinces:—

There are at present thirty-nine plots leased to Europeans; £2,915 is the amount derived annually from the rents of these plots.

The Hon. the Third Lagos Member:—

61. What is the extent of land comprising the Enugu Coalfields, and what is the amount paid to the native chiefs or native community by Government for its acquisition?

The Hon. the Acting Secretary, Southern Provinces:—

The Enugu coalfield workings, including land required for buildings and colliers' dwellings cover an area of about three square miles. This area is comprised within the larger area required for the Railway, power plant, traders plots and for administrative purposes generally. It is not therefore possible to state any separate sum paid for the particular area referred to in the question.

The Hon. the Third Lagos Member:—

62. Whether it is a fact that Government acquired ninety acres of native community land known as "Alder Town" at Warri on a lease for ninety-nine years since 1908 at 18s. 4d. per acre per annum amounting to £60 a year, and that Government have since parcelled out that area into 253 plots which are being leased by Government to natives at £5 per plot per annum, or £20 per acre per annum as against 18s. 4d.

The Hon. the Acting Secretary, Southern Provinces:—

The area referred to was leased to the Government at the time and on the terms quoted.

Alder's Town has been laid out by Government into 254 plots, of which 160 are leased at rents varying from £1 to £4 per annum, according to the size and situation of the plots.

The total rents received amount to £326 11s. 0d. The average rent of plot is £1 5s. 9d.

The Hon. the Third Lagos Member:—

63. Whether Government, having leased "Alder Town" in 1908 for £60 per annum for ninety acres, are now claiming to have taken on lease from the same native community three years later, that is in 1911, the adjoining land of that native community at Warri for £30 per annum for 350 acres, (which works out at the rate of 1s. 8½d. per acre, including the whole of the African village "Aghasa" of the native community?)

(a) And will Government be graciously pleased to state what portion or portions of these amounts payable as rent for the ninety acres since 1908, and for 350 acres since 1911, have the native community of Aghasa village had distributed to them with the approval of the Governor under the terms specified in Section 23 of the Public Lands Acquisition Ordinance?

The Hon. the Acting Secretary, Southern Provinces:—

(a) The land described has been leased to the Government since the year 1911. Government are not, as the question implies, making a sudden claim to it, for the Prison and Contagious Diseases Hospital, both of which have been built for many years, are within this area.

(b) Neither of the two areas in question were acquired under the Ordinance mentioned which was not enacted till 1917, but were leased by agreement with Chiefs Doro and Ogbu, acting on behalf of the chiefs and people of Warri.

The Hon. the Third Lagos Member:—

64. To ask how many Political and Administrative Officers are at present engaged in the Civil Service of Nigeria?

(a) How many of them are qualified barristers, and how many have passed the local examinations qualifying them to retain their posts?

(c) Why are these local test examinations not open to African barristers?

The Hon. the Chief Secretary to the Government:—

The total number of officers of the Administrative Service is 381.

(b) Thirteen are barristers. 285 have passed the prescribed local examinations. Certain officers are by the terms of their appointment exempted from these examinations.

(c) Because the local examinations in question are not intended to be taken by non-officials.

The Hon. the Commercial Member for Port Harcourt:—

65. To enquire if arrangements could be made to have all cable laying and installation wiring for the Port Harcourt electric light scheme done as the power house was being built, to enable delivery of current to be simultaneous with completion of the power house so avoiding delay to intending consumers.

The Hon. the Acting Director of Public Works:—

Arrangements are being made to put the distribution work in hand immediately after the necessary materials now on order have arrived. The Public Works Department may not be in a position to undertake private installations. It is hoped that local contractors will do this under the usual regulations on request of private owners.

The Hon. the Commercial Member for Port Harcourt:—

66. To ask Government if they still propose to include iodide of potassium as extensively used by natives in the suggested poisons schedule as published in *Gazette Supplement* of the 8th, 15th and 22nd April, 1926, and numbered 22, 24 and 25.

The Hon. the Acting Director of Medical and Sanitary Service—

It is proposed to omit the Iodides of Ammonium Potassium and Sodium from the poisons schedule.

The Hon. the Commercial Member for Port Harcourt:—

67. To ask if Government—

(a) Instituted an Inquiry into the cause of the sinking of the new canoe berthage at Port Harcourt; if so with what result?

(b) Is it proposed to provide another canoe berthage?

(c) What will be the estimated cost?

The Hon. the Chief Secretary to the Government:

The Consulting Engineers are enquiring into the matter and until their report is received I am unable to answer (b) or (c).

The Hon. the Third Lagos Member:

68. To ask the average number of X-Ray examinations held, and X-Ray treatment given, by the X-Ray Specialist per month during the twelve months ended December, 1926?

(b) To ask whether from the departmental reports of the substantive holder of the appointment the clinical benefits conferred upon the community can conscientiously be said to justify the appointment with its salary and emoluments?

(c) To ask what other duties, if any, are being performed by the present holder of the appointment? and

(d) Whether those other duties are of such a nature that they cannot be efficiently performed except by an X-Ray Specialist?

The Hon. the Acting Director of Medical and Sanitary Service

The average number of X-Ray examinations per month during 1926 was thirty-six.

The average number of treatments per month during 1926 was 46.3.

(b) The clinical benefits to the community cannot be reckoned merely by the reports of examinations and treatments. The value of the work done is such as to enable a conscientious statement to be made to the effect that the salary and emoluments of the appointment are amply justified.

(c) The present holder of the appointment also supervises the Lagos Medical Store.

(d) There is no reason why these duties should not be performed by an officer other than the Specialist, but the nature and extent of these duties do not justify a whole time employment and considerable economy is effected by the present arrangement.

The Hon. the Third Lagos Member:

69. To ask how many land cases were heard in the Native Courts in the Southern Provinces within the last two years, how many were dealt with in the Provincial Courts and how many land cases were actually transferred from the Provincial Courts throughout the Southern Provinces to the Supreme Court?

The Hon. the Acting Secretary, Southern Provinces:

It is regretted that the information is not obtainable in the time given.

The Hon. the Third Lagos Member:

70. To ask whether Government have received within the last two years any petitions from any of the chiefs of the Southern Provinces on behalf of the people against the hearing of their land cases by the Supreme Court of Nigeria, and if so, will Government state the names of the chiefs and the Provinces or Districts which they represent?

The Hon. the Lieutenant-Governor, Southern Provinces:

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

The Hon. the Third Lagos Member:—

71. To ask whether His Excellency the Governor during his last tour in the Owerri and Afikpo-Ogoja Province, did not receive applications from the people for the establishment of the Supreme Court in those places, and if so,

(b) Will His Excellency be graciously pleased to inform this Council whether it is the intention of this Government, through His Excellency's recommendation, to grant this request?

The Hon. the Chief Secretary to the Government:—

The answer to the first part is in the negative; the second part therefore does not arise.

The Hon. the Third Lagos Member:—

72. To ask whether Government has approved of the recommendations of Messrs. Howard and Humphreys & Sons as embodied in Sessional Paper No. 41 of 1926 in their entirety, and if so,

(b) How soon Government intends to start the main drainage of Lagos in view of the recommendations contained in Sessional Paper No. 41 of 1926 with special reference to the "direct and indirect advantages of good sanitation" contained therein.

(c) Whether in view of the present condition of the western area of the MacGregor Canal it will not be advisable that when this scheme is taken in hand operations be commenced in this area.

The Hon. the Chief Secretary to the Government:—

The Government has not yet had time to give the report that full consideration which its importance demands, but the Honourable Member may rest assured that no time will be lost and that the suggestion in paragraph (c) of his question will be borne in mind. I may add that the Government is entirely in favour of the installation of a water-borne sewerage system for Lagos at the earliest possible date.

The Hon. the Commercial Member for Kano:—

73. To ask if Government is considering the suggestion embodied on page 41 of the Report of the Under Secretary of State for the Colonies in respect of the extension of the Railway from Kano, north eastward, to Hadeija, and if so, when the Traffic Reconnaissance and Survey work is likely to be commenced?

The Hon. the General Manager of the Railway:—

The question of the extension of the Railway from Kano north eastward to Hadeija is under consideration. No traffic reconnaissance is necessary as it is known that the country is rich and prosperous. A location survey only is required and this will be commenced shortly when staff is available.

The Hon. the Commercial Member for Kano:—

74. To ask whether the experimental investigation of the River Challowa, in connection with the Kano water scheme is completed, and if so, whether the experiments were found successful, and further, if Government is in a position to say when the scheme proper is likely to be completed?

The Hon. the Acting Director of Public Works:—

A report and recommendations by the Consulting Engineers on the proposed water supply to Kano is now under consideration. It is hoped that work on the scheme to be adopted may begin in 1928.

The Hon. the Commercial Member for Kano:—

Arising out of that reply, Your Excellency, do I understand that the experimental investigation has now been completed?

The Hon. the Acting Director of Public Works:—

The answer is no, Sir.

The Hon. the Commercial Member for Kano:—

75. To ask if Government can explain the reason of the delay in the erecting of the Kano European Hospital, and whether it is aware that the present Hospital—a former rest house—is quite inadequate for the needs of the European community?

The Hon. the Acting Director of Public Works:—

Progress with Kano European Hospital was delayed by lack of plans, which were not available until September, 1926, owing to pressure of work in the architectural branch of the Public Works Department.

The Hon. the Commercial Member for Kano:—

76. To ask if attention has been called to the delay in the building of the Medical Officer's and Nursing Sisters' quarters, and further to ask when these are likely to be completed?

The Hon. the Acting Director of Public Works:—

It was not advisable to erect the quarters in advance of the hospital, by reason of staff shortage with relation to large building programme. The quarters should be available at the end of 1927.

The Hon. the Commercial Member for Kano:—

77. To ask if the expert's investigation of the electric lighting scheme for Kano has been rejected on the ground of cost, and if so, whether it is possible to institute a further investigation for a modified scheme to be extended as expenditure permits?

The Hon. the Acting Director of Public Works:—

No expert investigation of an electric lighting scheme for Kano has yet been made. A suggestion to combine electric lighting with water supply pumping plant was rejected for the time being as being excessive in cost. Investigation will be made as opportunity offers.

The Hon. the Commercial Member for Kano:—

78. To ask, in view of the urgency to the native population whether the hospital at Faggi is to be completed, and if it can be stated approximately when?

The Hon. the Acting Director of Public Works:—

It is expected that the native hospital at Faggi will be completed in 1928.

The Hon. the Commercial Member for Kano:—

79. To ask whether in view of page 175 of the Report of the visit of the Under Secretary of State for the Colonies, wherein he says "It is well worth investigating whether in future a relaying station could be established at Accra or Takoradi to re-distribute the Daventry programme from England to listeners-in in West Africa," if the Nigerian Government will commence negotiations with the Governments of the Gold Coast, Sierra Leone and the Gambia, with the object of arriving at a scheme such as is indicated by the Under Secretary of State for the Colonies?

The Hon. the Acting Postmaster-General:—

In view of the fact that only thirty-nine wireless licences have been applied for by private persons in Nigeria it is considered that the time is not yet ripe to approach the other British West African Colonies in the matter. The matter will be kept under observation.

The Hon. the Commercial Member for Kano:—

May I ask, Sir, whether the Postmaster-General will be prepared to advertise the fact that there is a possibility of something being done provided subscribers come forward?

The Hon. the Acting Postmaster-General:—

I can see no objection to that, Sir.

The Hon. the Member for Shipping:—

80. To ask whether steps are being taken to create a Harbour Authority upon the lines recommended by General Hammond, by the recent Committee on Harbour Works and on other occasions.

The Hon. the Chief Secretary to the Government:—

The Advisory Committee as recommended on page 4 of Sessional Paper No. 1 of 1927 and approved by the Secretary of State will be constituted shortly.

The Hon. the Member for Shipping:—

Arising out of that answer, your Excellency, may I ask the Director of Marine whether he can give us the date of the letter?

The Hon. the Director of Marine:—

It was whilst negotiations were under way.

The Hon. the Member for Shipping:—

Still arising out of that question, might I have the exact date? This was one of the recommendations made in that letter.

His Excellency:—

Perhaps the Honourable Member will clear the matter up with the Director of Marine.

The Hon. the Director of Marine:—

I can assure the Honourable Member that the letter was written afterwards.

The Hon. the Member for Shipping:—

81. To ask when it is the intention of Government to apply the reduction in Towing Charges at the Port of Lagos which was recommended by the recent Committee on Harbour Works, in view of the fact that the compensating increases in port charges have already been imposed.

The Hon. the Director of Marine:—

It is not proposed to reduce the towing charges. The understanding was that, if the Government provided a third tug, thus enabling two always to be in commission, the recommendation for the reduction of the charges would not be pressed. This understanding is recorded in a letter from the member who moved the reduction. The increases in port charges referred to in the question do not compensate for the expense of maintaining two tugs in commission and the service is run at a loss.

The Hon. the Second Lagos Member:—

82. To ask whether it is a fact that persistent efforts have been made for a number of years to eject certain native lessees, old residents, at Ogbe Ijoh in Warri from lands leased to them, particularly lands at or near the river frontage and the present market place, in order to provide trading plots for European firms?

The Hon. the Acting Secretary, Southern Provinces:—

No such efforts have been made and no native lessees have been ejected for the purpose alleged or any purpose.

The Hon. the Second Lagos Member:—

83. To ask whether it is a fact that whilst Government have refused, and are refusing, the renewal of leases to natives who have for many years settled at Ogbe Ijoh within what is known as the "Neutral Zone," they have (Government) themselves erected, and are still erecting, quarters for their own use, and are granting to European traders privileges and leasehold rights in the very same "Neutral Zone"? And

(b) If the object of creating this "Neutral Zone" is to segregate Europeans from Africans, by keeping such neutral area clear of any and every residential building, to ask how is the object being achieved, or likely to be achieved, if it is true that Government are not only erecting their own buildings on some parts of the area but are also giving out on lease other parts of the same area for the building of European commercial residential houses?

The Hon. the Acting Secretary, Southern Provinces:—

From the year 1916 to the present time fourteen leases in the area indicated have expired or will expire during the year 1927. In three cases the leases have been renewed or are in process of being renewed because in each of these cases the lessees have erected substantial buildings. Of the remaining eleven cases, seven have become tenants from year to year and of these seven, two plots are required for the extension of the Warri market; three are required for Clerks' quarters. In all these seven cases, the plots are at present occupied by insanitary and crowded dwellings which are in some instances let out at high rentals. No lessee will be required to vacate his plot before 31st December, 1927, with the exception of a plot near the market which is urgently required for the extension of the market, and the occupier was given notice to vacate as long ago as 1924. The other four cases of the eleven mentioned above are leases expiring in 1927, and rent for these plots will be accepted up to the date of the expiry of the lease, after which date every case will be reviewed on its merits.

(b) There has been no intention for some years of creating a neutral zone, therefore this question does not arise.



The Hon. the Second Lagos Member:—

84. In view of the fact that these native lessees have had their leases, and have settled on the land, for many years and that a renewal of these leases is being refused them by Government, to ask what provision has been, or is being, made for them to enable or encourage them to continue to dwell in the town?

The Hon. the Acting Secretary, Southern Provinces:—

Most of these plots are covered by insanitary slum dwellings from which the lease holders derive considerable income. This is considered undesirable from the point of view of the health of the town. Vacant plots are available at low rentals in the Alder's Town area.

The Hon. the Second Lagos Member:—

85. To ask whether there is any appreciable increase in the number of rats destroyed in Lagos by the Department of the Medical Officer of Plague since the assumption of duty of the newly arrived Rodent Inspectors?

(b) If so, to ask what are the actual figures, and what are the periods over which the comparison is made?

The Hon. the Acting Director of Medical and Sanitary Service.

Yes. During the period since the assumption of duty of the newly arrived Rodent Inspectors, there has been an appreciable increase in the number of rodents destroyed despite the fact that (i) the Rodent Inspectors, following the advice given by Sir Edward Thornton, have been working in an area possessing only a small degree of rat infestation as compared with the areas formerly worked; (ii) are restricted to given areas and are not allowed a roving commission; and (iii) that they are engaged in disinfecting and fumigating in addition to rat catching.

(b) The actual figures are, for the period of fifty-one days (10th October, 1926 to 30th November, 1926) prior to the assumption of duty of the Rodent Inspectors, 18,432 rodents destroyed, while during the period of 51 days (from 1st December, 1926 to 21st January, 1927) after the Rodent Inspectors assumed duty, 21,211 rodents were destroyed.

The Hon. the Second Lagos Member:—

86. To ask whether it is true that of the rats in the Prison Compound that have been examined one hundred *per cent.* were found to be plague infected?

(b) To ask whether there has been any case of plague amongst inmates in the prison? If not,

(c) To ask the Medical authorities to very kindly explain the apparent immunity?

The Hon. the Acting Director of Medical and Sanitary Service.

The answer is in the negative. During 1925 and 1926 only two infected rats were caught in the prison.

(b) Yes. There have been three cases.

(c) There is no apparent immunity to explain.

The Hon. the Second Lagos Member.

87. To ask what the duties are that appertain to the office of Specialist-in-Charge of Stores?

(b) To ask how many such appointments there are in the Colony?

(c) To ask what is the rank of the substantive holder of each appointment and what is his salary?

The Hon. the Acting Director of Medical and Sanitary Service.

There is no such office as Specialist in charge of stores. I have already stated that the X-Ray Specialist occupies the Lagos Medical Store, and he is charged with the responsibilities of the Stores and Accounts. Parts (b) and (c) of the question do not therefore arise.

The Hon. the Member Representing Niger African Traders:

88. To ask—

(a) Whether Government recognises the great need for an adequate telephone service in Onitsha to connect with Enugu, Awgu, Awka and Asaba?

(b) And whether the considerable advantage such service will afford both the administration and trade has had the consideration of Government?

The Hon. the Acting Postmaster-General:

The need for telephone facilities between Onitsha and Enugu is not apparent. There already exists direct telegraphic communication between Onitsha, Awka, and Enugu, and moreover there is a thrice-weekly motor mail service in each direction. These services are considered adequate for the present needs of both administration and trade.

The Hon. the Second Lagos Member:—

89. To ask whether officials who are granted advances for the purchase of their automobiles and other vehicles pay interest thereon to the Government?

And if not, to ask why has it been stipulated that African officials who might be granted similar advances under their "Building Scheme" should pay interest to Government?

The Hon. the Chief Secretary to the Government:—

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

It is not admitted that advances to African officials under the Building Scheme are "similar" advances, for the reason that advances to purchase motor or other vehicles are only granted to officers who require such vehicles for the proper performance of their public duties, whereas advances under the Building Scheme are made to the official for a purely personal and domestic purpose. I would refer the Honourable Member to the resolution moved on the 9th February, 1925, in this Honourable Council fixing the rate of interest at 5%, which was carried unanimously (Council Debates pages 40-41).

The Hon. the Second Lagos Member:—

90. To ask whether the termination of the appointment of Mr. Amos Sogbesan of the Town Engineer's Department, after serving a probationary period of over three years, was for incompetency?

(b) Whether the retirement on pension of Mr. Victor Coker of the Lagos Town Council, who is below pensionable age, is due to the findings of the Town Council upon a report by Mr. Amos Sogbesan?

(c) Whether the irregularities reported by Mr. Amos Sogbesan are unfounded? If so,

(d) Why Mr. Victor Coker is being retired in favour of the appointment of two European Assistants, which will inevitably increase the Town Council expenditure from £400, to somewhere in the neighbourhood of £1,500, per annum.

The Hon. the Acting Secretary, Southern Provinces:—

I would refer the Honourable Member to the minutes of the proceedings of the Lagos Town Council. In the minute book, which is open to inspection on payment of a fee of one shilling, he will find the reply to his question. Administrative details of the Town Council are not the concern of the Government.

The Hon. the Second Lagos Member:—

91. To ask whether Government is in the position to state for the information of Council how soon the Town Planning Expert is expected to arrive in the Colony?

The Hon. the Chief Secretary to the Government:—

He has already arrived.

The Hon. the Second Lagos Member:—

92. In view of the marked increase of traffic, the frequency in the outbreak of fire in the town requiring increased activities on the part of the Police, the recent extension in the Municipal area of the town, the length of hours that each unit of the police has to serve in his "beat," the increase in the cost of living as admitted by everybody, to ask whether Government will not consider the urgent necessity of raising the wages of the ordinary policeman above the present low rate of 1s. 6d. per day, as also the wages of the 1st and 2nd class policemen in proportion?

His Honour the Lieutenant-Governor, Southern Provinces:—

The increase in traffic and the extension of the area covered by the Police has been met by an increase in the number of rank and file in Lagos each year.

The necessity for increased protection from fire has been provided for in the draft estimates now before the Council by an increase in apparatus and personnel.

The tour of duty is eight hours in every twenty four and no change has been made. The present rates of pay, which include quarters or an allowance in lieu thereof, were fixed by a Committee at the end of 1919, and the cost of living now is certainly not higher than it was then. It is not proposed to increase the rates.

The Hon. the Commercial Member for Lagos:—

93. To ask—

(a) Is Government still of the opinion that there is no immediate fear of the Sumatran menace to our palm oil industry?

(b) Does Government consider it is safe to wait for a practical demonstration of the effect of any delay before considering seriously the desirability of developing a comprehensive scheme to meet a competition which sooner or later must eventuate?

The Hon. the Chief Secretary to the Government:—

The Government does consider that the progress made in the cultivation of the oil palm in the Dutch East Indies constitutes a menace to the industry in West Africa, and for some time past has been actively investigating the measures that can be taken to counteract it. I hope shortly to be able to make an announcement on the subject.

The Hon. the Commercial Member for Lagos:—

94. To ask what steps have been taken to establish a telephone service between Lagos and Ibadan?

The Hon. the Acting Postmaster-General:—

All arrangements for beginning this work have been made and it will proceed as soon as essential materials on indent arrive in the Colony.

The Hon. the Commercial Member for Lagos:—

Arising out of that reply, may I ask your Excellency whether the Report of the Committee which met at Ibadan about, I think, ten months ago, can be laid on the Table?

The Hon. the Chief Secretary to the Government:—

Such parts as can usefully be submitted will be laid on the Table.

The Hon. the Commercial Member for Lagos:—

95. To ask, has Government yet reached a decision on the matter raised in question 80 at the Meeting of this Council in February last?

The Hon. the Chief Secretary to the Government:—

Yes. A decision has been reached and a notice will shortly be issued which will abolish the distinction between Government and commercial clerks for the purpose of the Native Revenue Ordinance.

The Hon. the Commercial Member for Lagos:—

96. To ask—

(a) Is the Honourable the General Manager of the Railway aware that owing to its lower cost motor transport of produce from Ibadan district to Lagos, and of inward cargo from Lagos to Ibadan district is rapidly superseding railway transport?

(b) Whether to counteract the competition of motor transport on roads running parallel to the railway and thus induce motor transport to confine itself mainly to feeder roads he will at once take steps to reduce substantially the railway rates?

The Hon. the General Manager of the Railway:—

(a) I am aware that motor transport between Ibadan district and Lagos and *vice versa* is on the increase.

(b) In September last, the Railway substantially reduced the rate on the principal traffic, viz.: Cocoa despatched from the Ibadan district. The question of a further reduction in the Railway rate on this commodity is engaging attention.

RESOLUTIONS.

The Hon. the Acting Director of Medical and Sanitary Service:—

Your Excellency. I rise to move the resolution standing in my name. The work of the Hospital for Tropical Diseases is a very excellent one. I am sure it is within the experience of many that when they suffered at home from some tropical ailment, it was not uncommon to find that the doctor did not know much about it. The same applies to the general hospitals at home. It is true that in some hospitals there are special wards for tropical diseases, but it is of the greatest importance to have and maintain a special hospital. I have therefore much pleasure in moving this resolution which stands in my name:

“ Be it resolved: That this Council approves the grant of
 “ £50 annually towards the maintenance of the
 “ Hospital for Tropical Diseases.”

The Hon. the Treasurer:—

I beg to second the resolution.

His Excellency:—

Will those in favour of the resolution say “ Aye:” Those against say “ No.”

The resolution was carried.

The Hon. the Acting Director of Medical and Sanitary Service:—

I rise to move the second resolution which stands in my name in regard to the funds of the Incorporated Liverpool School of Tropical Medicine. These people are carrying out and have carried out a considerable amount of research work in respect of which this Colony participates in the benefits. Such work is of great value but it requires a lot of money to support it. One may work for many years at great expense and get little result, but there can be no manner of doubt of the benefits to West Africa of the research work of this institute. Within my own memory there has been very great improvement in these West African Dependencies, that is to say, within the last twenty years, but we have not yet arrived at the stage in which we can dispense with research work. There still remains an enormous amount of research to be done and every agency that will take up this work is deserving of encouragement. I therefore have pleasure in moving the resolution:—

“ Be it resolved: That this Council do make a grant of
 “ £200 to the funds of the Incorporated Liverpool
 “ School of Tropical Medicine.”

The Hon. the Treasurer:—

I beg to second the resolution.

His Excellency:—

Those in favour say “ Aye,” those against “ No.”

The resolution was carried.

The Hon. the Acting Secretary for Native Affairs:—

I beg to move the resolution which stands in my name. The International Institute of African Languages and Cultures is a body which came into existence in the course of last year. It arose through a desire to focus into one convenient form the knowledge possessed by a large number of organisations scattered over many countries interested in Africa.

The bodies which are represented on the Governing Body of the International Institute include a large number of learned societies, including the Advisory Committee on Native Education in Tropical Africa at the Colonial Office, and a number of missionary societies.

An Executive Council has been formed of which Sir Frederick Lugard is chairman. The Vice-Director is Mr. H. Vischer, formerly Director of Education in Northern Nigeria. The main objects of the Institution are described generally as follows:—

(a) To study the languages and mental culture of the African native.

(b) To give advice and aid in the publication of studies on African languages and culture.

(e) To institute a bureau of information for bodies and persons interested in linguistic and ethnological resources and in educational work in Africa.

(d) To promote an understanding of African languages and social institutions, with a view to their protection and use as instruments of education.

(e) To assist in the production of an educational literature in the vernacular.

(f) To encourage international co-operation in all questions connected with the mental development and technical advancement of the people of Africa.

(g) To bring about a closer association of scientific knowledge and research with practical affairs.

(h) To undertake such other activities as may be deemed incidental or conducive to the attainment of the foregoing purposes.

These are the general objects and the Executive Council which met for the first time last October has already published a programme of the first steps which it is intended to take to give effect to them. One of the main things that affects Nigeria is the preparation of a simple and practical orthography for literature in African languages. That, as anybody knows who has had anything to do with the transcription of the vernacular, is very badly needed at the present time. The needs of the Institute have been commended to the Nigerian Government by the Secretary of State. The Gold Coast, as perhaps you have seen in the Press, has already promised a contribution similar to that which this Council is now asked to vote. I therefore move the resolution:—

“ Be it resolved: That this Council do approve the grant of £500 a year for two years to the International Institute of African Languages and Cultures.”

The Hon. the Treasurer:—
I beg to second the resolution.

The Hon. the Commercial Member for Calabar:—

Can the Honourable the Acting Secretary for Native Affairs give us some indication as to what extent this Institution has already or is going to become international?

The Hon. the Acting Secretary for Native Affairs:—

If the Honourable Member wishes I can give him a list of the various bodies that are represented on the governing body. It is a long one so might I perhaps take out two or three:

Académie des Sciences Coloniales (Paris); Institut d'Ethnologie de Paris; Royal Anthropological Institute (London); School of Oriental Studies (London); Deutsche Gesellschaft für Anthropologie, Ethnologie und Urgeschichte (Berlin); Akademie der Wissenschaften (Vienna); Naturhistoriska Högskolan (Stockholm); Université Coloniale d'Anvers; Société Royale de Géographie d'Egypte; National Research Council (U.S.A.); Advisory Committee on East African Studies, Education Department (South Africa); International Missionary Council.

His Excellency:—

Those in favour of the resolution say “Aye.” Those contrary say “No.”

The resolution was carried.

The Hon. the Acting Comptroller of Customs:—

I beg to move the following resolution:—

“ Be it resolved: That Order-in-Council No. 1 of 1927 dated the 3rd of January, 1927, made under the Customs Tariff Ordinance, 1924, be approved in so far as it relates to the Colony and the Southern Provinces of the Protectorate.”

The effect of the proposed amendment will be to add a new clause 18 to the second schedule to the Customs Tariff Ordinance, exempting appliances, implements, instruments and tools; Agricultural, artisans, for scientific purposes and research, for surveying and prospecting, surgical and dental.

The amendment became necessary owing to the fact that section 7 of the Customs Tariff Ordinance lays down that when an article may be classified under two heads with a resulting liability to duty or otherwise, in each case duty should be collected.

It has always been the policy of the Nigerian Government to admit such articles duty free and now legal sanction is given to existing practice.

With regard to clause 16 of the second schedule the proposed amendment deletes the words "which the Governor in Council may decide to exempt from duty." This refers to medicinal preparations containing alcohol and the result will be that in future it will no longer be necessary to pay duty on such medicinal preparations and then go to the Governor in Council for a refund as at present. They will be exempt from duty on importation.

The Hon. the Attorney-General:-

I beg to second the resolution.

His Excellency:—

Will those in favour of this resolution say "Aye;" those against say "No."

The resolution was carried.

The Hon. the Member for Calabar:—

I rise, Sir, to move the following motion which is set down in my name:—

Be it resolved: That the judicial functions of the Provincial Court should be confined to the unsettled districts of Nigeria or in the alternative that legal practitioners should be allowed to appear and act in the said Court."

Your Excellency, with reference to the motion down in my name, may I say a few words? I know that under the present condition of affairs in Nigeria and also in view of the opinions held by various bodies with regard to legal practitioners in this country, it may seem that I have my own personal interest in mind in bringing this motion forward. I should like to ask Your Excellency and Honourable Members of the Council to consider that when we were elected by the people to come to this Council we were not elected simply because we happened to be legal practitioners, but because we were in a position to protect their interests, and if we come here with a motion on any matter it should be considered not from our own private or personal point of view, but it should be considered from the point of view of the interests of the people whom we are here to serve.

One difficulty I am sure I am going to meet. I am sure I shall meet with defeat from the Honourable Attorney-General who will ask me what I mean by the words "Districts of Nigeria." In reply to that may I simply refer to Ordinance 34 of 1916, that is the Unsettled Districts Ordinance. In that Ordinance the Governor is empowered to declare any part of Nigeria an unsettled district and until and unless that is done I take it that in the eyes of the Government and the eyes of the people the whole of Nigeria is 'settled;' and if Nigeria is 'settled,' Nigeria must be governed according to proper laws respected and known to civilised people.

Now the other question that will have to be considered, supposing my motion is to succeed, is "where are you going to get the money to pay the people who are to carry on the work?"

I must say at once that it will cost the Government some money, but as far as I know up to the present time no one has suggested that the Provincial Court system was brought into Nigeria because of economic reasons. I have heard it said over and over again that under the Supreme Court system people who go to the Courts do not receive benefit, and the people who really benefit by this system are the legal practitioners who go there.

This is a mistake. If there had been no lawyers in Nigeria, Oluwa would not have received £22,000 in Lagos. Now Sir, there are some people who still think that from the beginning of British Government in Nigeria there was a Supreme Court. It is well known to those who care to find out that there was no Supreme Court system in Nigeria up to 1914. Things went on very well and some people thought that the public could be properly protected or rather Africans in Nigeria could be better protected by establishing a Court in which some sort of law other than British law known to the Supreme Court could be administered. Now

this system has been in force since 1914 and I believe the best supporters of that system will agree with me that the people are complaining, and they are complaining very bitterly. Not very long ago I believe, my Honourable Friend, the Member for the Oil Rivers Division stood in this Council and begged this Council that murder cases should be transferred to the Supreme Court. Now, he is a man of good social position in this country; he is a man who has studied the wants and needs of his people; he is a man of whom no one could say he did not know his people, and if he comes to this Council and asks you to consider that certain laws or rules be not applied to his people, or that certain changes should be made in the laws and rules applied to his people, it might be taken that he knew what he was talking about.

Now, up to the time I brought this complaint before the Council I saw a good many officials who are still saying that there were no complaints against these Provincial Courts and up to that time the people, the political officers, and Government officials were satisfied that murderers should be tried by the Provincial Court, and convicted and hanged if possible, but since then there has been some change. I believe it is a practice now for political officers to ask the accused whether they would prefer to be tried by Provincial Court or Supreme Court and I want to know why they are doing so.

I am not in a position to say whether they are doing it as a result of instructions given by superior officers, but they certainly are doing so. They must have some reason to believe that the system under which they were acting has not met the best interests of the people.

I would explain to Honourable Members that they are doing it on instructions given direct by the Government. I would also add that in no single case has it come to my notice that the accused has taken the opportunity offered him. Well, this is being done and it seems very strange. Why is it that when people are asked whether they should be tried by the Supreme Court or Provincial Court they usually prefer the Provincial Court? Everything depends on circumstances and if Honourable Members of this Council knew how the questions were put to these people, they would not be surprised that they choose the Provincial Court.

Supposing the Honourable the Chief Secretary to the Government were in the unfortunate position of being accused of murder, and he were asked by the provincial officer whether he would like to be tried by an old man with a red gown who would certainly take his money before he would take up his case, or whether he would like to be tried by the Resident or Divisional Officer who knows the people. The Honourable the Chief Secretary would go to the Supreme Court.

Most of our people do not know the difference between the Supreme Court and the Provincial Court. It is only the civilised man, the political officer, who knows the laws of the British Administration. Who knows how the individual is protected by the Crown and those representing the Crown? Who is in a position to say whether the man will be better protected by the Provincial Court or by the Supreme Court?

I have said before that apart from the objections against legal practitioners, there is another thing to be said in favour of the Provincial Courts. It has been said that the cases are heard more quickly in the Provincial Courts, but I am sure the Residents and Senior Residents will agree with me when I say that there are cases which have been on for two years and more and are not yet disposed of.

If Your Excellency and Honourable Members of this Council went into this matter properly you would find that the real people in the matter are the political officers and not the lawyers. I am saying this fully knowing my position in this Council and fully knowing that perhaps I shall be called on by the authorities for making such a statement.

But here is a Court where the man who is going to try the case is in most cases the very man who has to advise the litigant to take action. In cases where the people were advised to take action, the legal practitioners told them not to go to Court, but because the political officers told them to go to Court, they went, and never got anything out of it. Not only that. People go to Court with their cases. They are told that they cannot get a lawyer to plead for them and they therefore go to a lawyer to draft their

summons for them. After he has done this naturally he takes his fee. The people take their case to the Court; the writ is issued, the case heard, the result given, and then they ask for an appeal. What is the poor lawyer to do? Let him write to the officer for a copy of the proceedings in order that he may advise other clients properly and in most cases he gets a letter in this form:—

“ Dear Sir,

“ I suppose you know the Supreme Court Law; I suppose you know the Provincial Court Law; I suppose you know the Native Court Law.

“ Yours faithfully.”

That is all he gets. The man insists that his case should go to the Supreme Court. He appeals to the lawyer who does not know what has happened in the Provincial Court and who therefore does not know on what grounds to base his advice. But he must satisfy his client and after all he must not forget that he must live. When the client has paid his fee he goes to Court and finds that there was no case for him to appeal on and he is told by the political officer that the lawyer is a fool. Whose fault is it? Not the political officer's. I do not think for one moment that when the Provincial Courts were first established in this country it was the intention of the Government to allow any appeal. I believe it was intended to be a sort of Arbitration Court where the proper laws of evidence were not to be entered upon. If that were not so may I ask why, in the name of conscience do you establish a Court of Law and agree that the laws known to Great Britain and which have been administered there, should be administered in Nigeria, and then put at the head of that Court people who do not even understand the laws. Learned judges have made mistakes, and Appeal Courts have told judges that they do not interpret the laws properly. Yet in the Provincial Court we are told that an ordinary layman can interpret the law to the best of his ability because he happens to be a good sportsman and a man of common sense.

I do not think Honourable Members of the Council would tolerate it for one moment if such a thing were done in Great Britain. But this certainly is done in Nigeria.

I make this motion because I feel very strongly that there can be no progress in a country unless there is order, and there can be no order without law, and if we are to have laws, the law must be properly administered. If the Government of Nigeria has found it necessary to instruct the political officers to ask the accused whether they should have their case tried in the Supreme Court in criminal cases, this should also equally apply to civil cases, and the accused should be asked if they wish to have their case tried in the Supreme Court and not be confined to any particular Court. People cannot get justice. It is impossible to administer justice in the Provincial Courts. Men who have studied law, who have practised it, must be allowed to administer justice, and His Majesty's subjects, whether Africans or Europeans, should be permitted, so long as they live under the flag, to have the very best of the laws of the country.

I move the motion standing in my name.

The Hon. the Member Representing the Niger African Traders:—

I beg to second the motion and in doing so may I remind Your Excellency that last year I made some observations on the operation of the Provincial Courts Ordinance.

I do not wish to waste the time of this Council by going through what I said last year, but in respect to this resolution I will only just make one point and that is, the differentiation in the administration of the law as between Europeans and Africans.

I beg to second the motion.

The Hon. the Attorney-General:—

The matter which forms the subject of this resolution is one which has been before the Government for a long time. It has been fully thrashed out in all its details and considered in all its aspects and from every point of view both by the Government in Nigeria and by the Secretary of State in England, and the Secretary of State has given a definite decision on the question. No fresh arguments have been adduced to-day. No good purpose therefore is attained by debating the question at length in this Council. The resolution is one which the Government cannot accept.

conclusion that such a state of affairs is general. All political officers ought to know it, at least if they do not, they ought, for they are the people who give instructions that these people should be arrested. It is unfortunate that when they come to Court they manage to take a lawyer. Not only that. Cases in these Native Courts are getting so common. They are getting common because it is the opinion of the average native that the more you go to Court, the more the people are afraid of you, and for that reason people go to Court just to establish themselves as important people in the community. They do this even when they have not got a case and they do it by bribing people in order to give them what they think to be their rights. So common have these cases become that even the Under Secretary of State in his report mentioned that steps should be taken in order to stop this practice, because it was not to the good of the country.

I refer to page 117 of Mr. Ormby-Gore's Report referring to the number of cases brought before Native Courts:—

“The number of cases of all kinds heard in the Native Courts is increasing, and a return furnished to me for the year 1924 showed the extraordinary number of 59,000 cases in the Native Courts in the Gwerri Province as compared with 1,176 cases heard in the British Provincial Courts. In the Calabar Province the numbers were not much less, 47,942 cases being heard by the Native Courts and 1,290 heard in Provincial Courts. Such an amount of litigation can do no good and is doing great harm to the people, and it is for consideration whether some method cannot be found of reducing the enormous number of these Native and Provincial Court cases.”

I am submitting that my motion, if allowed, will go towards reducing the extraordinary number of cases which have been brought forward in these Native Courts.

There are no chiefs in this country, at least no chiefs worth considering, and if I say “this country” I mean that part of the country which comes within my motion. I told you many months ago in this connection that where there is no established constitution, where the head of the country is not a man recognised by the people to be their natural head, it is always difficult to get such a man to behave himself. Now the system as it is at present encourages people who are not chiefs to come forward and with that piece of paper known as a warrant, they become chiefs and with no traditions behind them, no dignity, no responsibility, just take advantage of their fellow-countrymen in order to enrich themselves.

I feel that if the Government of this country is anxious to assist the people to develop on their own lines, it cannot be by destroying the natural constitution, or the native customs of the people, but by encouraging them to develop these customs and constitutions.

The Government of Nigeria is not doing that. It is not encouraging people on the proper lines. Whether it is hard for them to get into the life of the African I do not know, but the present method adopted is not such as to encourage the people. I believe it was stated this morning that some of these chiefs are criminals or have been convicted. According to native custom, as far as I know, no criminal can become a chief. Imagine a man who has been convicted administering justice! When it comes to the Native Court you assume that anything is good enough for the native. I know also that in making this motion I am going to be defeated by authority. The Government has already got a majority, but I thought Your Excellency would like to hear what other people think. It is an absolute waste of time for any Member to stand in this Council and address the Council on any subject.

I beg to move the motion set down in my name.

His Excellency:—

Is any Honourable Member seconding the motion?

The Hon. the Member for the Rivers Division:—

Your Excellency, I want to ask the Honourable Member for Calabar if his accusations in regard to corruption in Native Courts represent all the Eastern Provinces? I would like to have his assurance in regard to this, if, without exception, all Native Courts are corrupt?

His Excellency:—

I am afraid I must interrupt the Honourable Member. A motion has been brought forward and has not yet been seconded. Unless the motion is seconded it will collapse automatically.

The Hon. the Second Lagos Member:—

Your Excellency, I rise to second the motion.

The Hon. the Member for the Rivers Division:—

The Honourable Member for Calabar says that all Native Courts in the Eastern Provinces are corrupt. I wish to know if he says that they are all corrupt without exception. He also says that there are no chiefs in the Eastern Provinces, properly so-called, who are nominated according to native manners and customs. I am head of one of the Native Courts, and I have to sit here and listen, and am told that all Native Courts are corrupt without exception. Will the Honourable Member for Calabar confirm his accusation or else retract.

Honourable Members: Hear, hear.

The Hon. the Member for Calabar:—

Does Your Excellency wish me to answer the question as put?

His Excellency:—

No, it is not necessary. The Honourable Member will have an opportunity of speaking at the end of the debate again.

The Hon. the Member for the Rivers Division:—

Your Excellency. This statement has been said in your presence and in this Honourable Assembly, and in my position as a Member of this Council I take exception to anything which is said detrimental to the best interests of the people I represent.

His Excellency:

I will now put the motion. Those in favour say "Aye." Those against say "No."

The motion was declared lost.

The Hon. the Chief Secretary to the Government:—

I beg to move the following resolution:—

"Be it resolved: That the Supplementary Estimates for 1925-26, and for 1926-27, which I have laid on the Table be referred to the Finance Committee for consideration."

I beg to move the resolution standing in my name.

The Hon. the Treasurer:—

I beg to second the resolution.

His Excellency:—

Those in favour say "Aye." Those against say "No."

The resolution was carried.

His Excellency:—

The next resolution is, in the name of the Honourable Member for Calabar. On going into the question I find that the points raised in that resolution have been very fully explained in answer to a number of questions given previously, and also in the course of a previous debate on exactly the same point.

I therefore feel it necessary to disallow the resolution as it tends to waste the time of Honourable Members, but I shall be very glad to call the Honourable Member's attention to the previous answers that have been given on this same subject.

This is followed by a resolution by the Honourable the Second Lagos Member. I felt constrained to disallow that resolution also. The resolution is vexatious and is, in my opinion couched in improper terms. It is furthermore possible that if it was not brought forward on a privileged occasion, it might render the Honourable Member amenable to the law of libel.

It is therefore disallowed.

BILLS.

THE FORESTRY (AMENDMENT) ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Postmaster-General, a Bill entitled "The Forestry (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE RAILWAYS (AMENDMENT) ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of Public Works, a Bill entitled "The Railways (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT)
(AMENDMENT) ORDINANCE, 1927.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the General Manager of the Railway, a Bill entitled "The West African Frontier Force (Nigeria Regiment) (Amendment) Ordinance, 1927," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE WEST AFRICAN FRONTIER FORCE RESERVE ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Southern Provinces, a Bill entitled "The West African Frontier Force Reserve Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE WIDOWS' AND ORPHANS' PENSIONS' (AMENDMENT)
ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Deputy Chief Secretary to the Government, a Bill entitled "The Widows' and Orphans' Pensions (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE PRISONS (AMENDMENT) ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Captain P. Lonsdale, (Senior Resident), a Bill entitled "The Prisons (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE 1925-1926 SUPPLEMENTARY SUPPLY ORDINANCE, 1926.

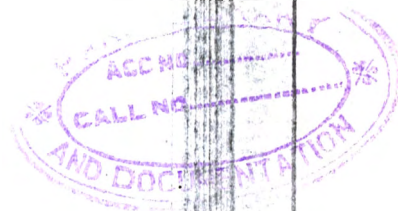
On the motion of the Honourable the Attorney-General, seconded by the Honourable the Treasurer, a Bill entitled "The 1925-1926 Supplementary Supply Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE MINERALS (AMENDMENT) ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Major J. M. Fremantle, M.B.E., Senior Resident, a Bill entitled "The Minerals (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT)
ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Captain W. A. Ross, C.B.E., (Senior Resident), a Bill entitled "The European Officers' Pensions (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.



THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. R. A. Roberts, C.B.E., (Senior Resident), a Bill entitled "The Criminal Code (Amendment) Ordinance, 1926," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1926.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, a Bill entitled "The Shipping and Navigation (Amendment) Ordinance, 1926," was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE MOTOR TRAFFIC ORDINANCE.

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

THE BRITISH CAMEROONS ADMINISTRATION (AMENDMENT) ORDINANCE, 1927.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Marine, a Bill entitled "The British Cameroons Administration (Amendment) Ordinance, 1927," was read a first time and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at the next meeting of the Council.

THE 1927-1928 SUPPLY ORDINANCE, 1927.

On the motion of the Honourable the Chief Secretary to the Government, seconded by the Honourable the Treasurer, a Bill entitled "The 1927-1928 Supply Ordinance, 1927," was read a first time.

The Hon. the Chief Secretary to the Government:—

I rise to move that Standing Order No. 23 be suspended in order to allow this Bill to be read a second time at this meeting of the Council.

The Hon. the Attorney-General:—

I beg to second that.

The resolution was carried.

The Hon. the Chief Secretary to the Government:—

I now rise to move that a Bill entitled "An Ordinance to provide for the Service of the Colony and Protectorate of Nigeria for the year ending the Thirty-first day of March, one thousand nine hundred and twenty-eight," be read a second time. I think it is quite unnecessary for me to explain the provisions of this Bill in view of the fact that you have the Estimates before you, and that my Memorandum thereon goes into full detail, and I should only be reading the same information which you have before you. You have all seen that Memorandum.

The Hon. the Treasurer:—

I beg to second.

The motion was carried and the Bill was read a second time accordingly.

The Hon. the Chief Secretary to the Government:—

I now beg, Sir, to move that the Bill be referred to a Select Committee of the Council consisting of all the Unofficial Members, the two Lieutenant Governors, the Treasurer and myself.

His Excellency:—

It is proposed that the Bill be referred to a Select Committee. Those in favour of the motion say "Aye." Those against say, "No."

The motion was carried unanimously.

His Excellency:—

I will now adjourn the Council *sine die* and Council will proceed in Committee.

Council adjourned at 12.15 p.m.

DEBATES
IN THE
LEGISLATIVE COUNCIL OF NIGERIA,
ON
Friday, 4th February, 1927.

Pursuant to notice the Honourable the Members of
the Legislative Council met at the Council Chamber
at 2.30 P.M. Friday, 4th February 1927.

PRESENT:—

- The Governor,
His Excellency Sir Graeme Thomson, K.C.B.
- The Chief Secretary to the Government,
The Honourable Mr. F. M. Baddeley, C.M.G.
- The Lieutenant-Governor, Southern Provinces,
His Honour Major G. F. H. Ruslon, C.M.G.
- The Lieutenant-Governor, Northern Provinces,
His Honour Mr. H. K. Palmer, C.M.G., C.B.E.
- The Attorney-General,
The Honourable Mr. D. Kingdon, K.C.
- The Commandant,
The Honourable Colonel W. B. Greenwell, D.S.O.
- The Acting Director of Medical and Sanitary Service,
The Honourable Dr. T. B. Adam.
- The Treasurer,
The Honourable Mr. D. S. MacGregor, C.B.E.
- The Director of Marine,
The Honourable Captain R. H. W. Hughes, C.B., C.S.I.,
C.M.G., D.S.O., R.D., R.N.R.
- The Acting Comptroller of Customs,
The Honourable Mr. W. K. Duncombe.
- The Acting Secretary for Native Affairs,
The Honourable Mr. G. J. F. Tomlinson.
- The Honourable Mr. B. A. Roberts, C.B.E., Senior Resident.
- The Honourable Mr. E. J. Arnett, C.M.G., Senior Resident.
- The Honourable Captain W. A. Ross, C.M.G., Senior Resident.
- The Honourable Major J. M. Fremantle, M.B.E., Senior Resident.
- The Deputy Chief Secretary,
The Honourable Mr. T. S. W. Thomas, C.B.E.
- The Acting Secretary, Southern Provinces,
The Honourable Major C. T. Lawrence, O.D.E.
- The General Manager of the Railway,
The Honourable Mr. E. M. Bland, C.M.G.
- The Acting Director of Public Works,
The Honourable Mr. F. D. Evans.
- The Postmaster-General,
The Honourable Mr. G. I. Righton.
- The Second Lagos Member,
The Honourable Dr. C. C. Adeniyi-Jones.

- The Member for the Colony Division,
 The Honourable Mr. Kitoyi Ajasa, O.B.E.
 The Member for Shipping (Provisional)
 The Honourable Mr. H. S. Peggeler,
 The Member for Calabar,
 The Honourable Mr. K. Aka-Amonu,
 The Banking Member,
 The Honourable Mr. W. P. Becker,
 The Mining Member,
 The Honourable Mr. A. L. Butler,
 The First Lagos Member,
 The Honourable Mr. E. O. Moore,
 The Member representing the Niger African Traders,
 The Honourable Mr. S. C. Obinwa,
 The Commercial Member for Calabar,
 The Honourable Mr. G. Graham Paul,
 The Member for the Egba Division,
 The Honourable Mr. S. H. Pears,
 The Member for the Rivers Division,
 The Honourable Mr. Mark Pepple-Jaja,
 The Member for the Oyo Division,
 The Honourable Mr. E. H. Oke,
 The Commercial Member for Kano,
 The Honourable Mr. J. W. Speer,
 The Third Lagos Member,
 The Honourable Dr. J. A. Gantrick,
 The Commercial Member for Lagos,
 The Honourable Mr. R. P. Irving

ABSENT :—

- The Honourable Mr. G. W. Webster, M.B.E., Senior Resident,
 The Honourable Mr. J. C. C. P. Scortchin, Senior Resident,
 The Honourable Mr. G. W. Alexander, Senior Resident,
 The Honourable Captain P. Lonsdale, Senior Resident,
 The Honourable Mr. E. H. B. Lings, Senior Resident,
 The Secretary, Northern Provinces,
 The Commercial Member for Port Harcourt (Provisional)
 The Honourable Mr. T. E. Wilson.

The Member for the Ibo Division.

His Excellency the Governor entered the Council Chamber and took the Chair.

MINUTES.

His Excellency the Governor moved that the Minutes of the meeting of the 1st of February, 1927, which had been printed and handed to Members, be confirmed.

The Hon. the Commercial Member for Calabar :

May I ask Your Excellency if, in the Minutes of the Meeting of the Council, it is correct to omit all supplementary questions and answers thereon? I understood that the Minutes were supposed to be a record of what happened in the Council.

His Excellency :—

I am of opinion that they should be included. Are they not included?

Hon. Members :—

No, Sir.

His Excellency :—

I see no objection to the supplementary questions being included, in fact I think it would be preferable to include them in the Minutes. Minutes confirmed.

PETITIONS.

The Hon. Member for Calabar :—

Your Excellency. I have been asked to introduce a petition on behalf of the people of Asaba, which the Honourable Member for the Ibo Division was asked to introduce some time ago. Unfortunately he is not here, and I received my instructions by telegram, therefore I am more or less handicapped. Still I believe the tenor of the petition is in connection with the Government proposal to extend taxation to Onitsha and its neighbourhood. The people of Asaba feel that there is no necessity for such taxation. We find in Your Excellency's address, page 95, that when you came to the country you—

His Excellency :—

I really must interrupt the Honourable Member. In presenting a petition he can only briefly explain what is in the petition; he cannot make a speech on it. If he will look in the Standing Orders he will find that this is so.

The Hon. Member for Calabar :—

Briefly, the people feel that at present there is sufficient revenue in Nigeria—there is a surplus of five million pounds—to pay for the needs and wants of Nigeria, and that being the case there is no necessity why they should be taxed. They also say that according to their native constitution they are not like the people in the north or even the Benin people who have hereditary chiefs to whom they have to pay taxes, or for whom they have to collect money in order to keep them, and that being so they humbly ask Your Excellency and Members of this Council that they should be excused from paying taxes.

I am rather handicapped because I have not got the petition before me and I have to speak from the rough draft which they have sent me. I hope and trust that in this matter Your Excellency and your advisers will seriously consider the petition of these people before Your Excellency delivers an opinion.

His Excellency :—

The petition will receive consideration.

RESOLUTIONS.

The Hon. the Chief Secretary to the Government :—

Your Excellency, I beg to move the following resolution :—

“Be it resolved: That this Council approve the expenditure of £73,603 6s. 8d. as detailed in the Supplementary Estimates for 1925-26, and £166,570 as detailed in the Supplementary Estimates for 1926-27 which were laid on the Table at the last meeting of this Council and passed by the Finance Committee on the 1st February, 1927.”

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

The Hon. the Treasurer :—

I beg to second.

His Excellency :—

Those in favour say “Aye.” Those against “No.”

The motion was carried.

His Excellency :—

Before proceeding with the business of the day I should like to allude to a Motion which stood in the name of the Honourable the Second Lagos Member, which I disallowed at the previous sitting. The Honourable Member took upon himself to protest against that disallowance and to send a telegram direct to the Secretary of State on the subject, sending a copy of it to me at the same time. The telegram read as follows :—

“Consonant with Standing Orders Legislative Council I submitted 24th instant direct and substantive Motion impeaching Resident Colony Received to-day letter within 24 hours of Session stating Governor not prepared allow Motion appear Order of Day.

Interviewed Chief Secretary immediately who informed me Governor withholds reason for arbitrary action.

Respectfully desire your immediate intervention cause Motion taken this Session.

Adeniyi Jones, Second Lagos Member.

I have received a reply from the Secretary of State to that telegram which reads as follows :—

“Have received telegram from Jones protesting against the disallowance of his motion. If you think fit you are authorised to inform him you consulted me and that your action has my fullest approval.

Secretary of State for the Colonies.”

BILLS.

THE FORESTRY (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled “An Ordinance to amend the Forestry Ordinance.”

The main object of this Bill, Sir, is to effect the creation and provide for the maintenance of native administration forest reserves, that is to say forest reserves which will be created by and maintained subsequently by native administrations themselves under the supervision of the Forestry Department.

It has been customary in the past in some Provinces for native authorities to have general control of measures designed to protect forest produce subject to the control of the Director of Forests, and the scheme introduced by the present Bill, is the natural development of this practice.

Everyone I think will agree that the preservation of forests, so as to ensure to the people of the country for all time the enjoyment of the natural sylvan produce, is one of the most important matters to be dealt with in this country. It has been rendered somewhat difficult hitherto owing to the natural suspicion of the people when forest reserves are created. Under the present Ordinance the people imagine that in some way their land is to be taken from them. Anything, therefore, which will facilitate the creation of forest reserves and therefore the preservation of forest produce without arousing this suspicion is to be encouraged as much as possible. That is exactly what this Bill attempts to do and it is hoped that it will effect it. There is every reason for that hope. I would like, Sir, if I may, to read to the Council a passage which shows a very good reason for that hope. It is a passage written by the Senior Resident of the Oyo Province in 1922 and is as follows :—

“The Government has placed the Administration of the Forests and their revenue in the hands of the Native Administration, subject to the ultimate control of the Director of Forests for the Government. The result has been such an amazing success from every point of view that Mr. Thompson wishes to encourage and extend the idea and area of Native Administration Forest Reserves in this Province.”

That, Sir, is a testimony from the one Province in which the scheme has been tried and has proved an amazing success. It is proposed to effect the object of the Bill by adding twelve clauses to the principal Ordinance. This is fully explained and dealt with in detail in the statement of “objects and reasons” which accompanied the Bill when it was published in the *Gazette*, and I need not detain the Council by going through those reasons clause by clause.

I commend this Bill to the Council, Sir, as a distinct step forward in the delegation to the people of the country of the management of their own affairs.

I beg to move that the Bill be read a second time.

The Hon. the Postmaster-General :—

I beg to second.

His Excellency :—

Does any Honourable Member wish to address the Council?

The motion was agreed to and the Bill was read a second time accordingly.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Postmaster-General, the Council resolved itself into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Short title and Clause 1 :—I beg, Sir, to move that this clause be amended by substituting “1927” for “1926.”

The motion was carried.

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 Postmaster-General, the Bill was read a third time and passed.

THE RAILWAYS (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—
I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Railways Ordinance."

The question dealt with by this Bill has been under discussion for some considerable time. It was brought into prominence by Colonel Hammond's report and it has since been the subject of much correspondence between the Lagos Chamber of Commerce and the Government. It is now generally agreed that the proposed amendment of the principal Ordinance will effect an improvement in the law in favour of the consignors of goods by railway. The amendment proposed is to section 29 (2) of the Railways Ordinance, and it is proposed to amend that section in two ways: First:— It is proposed to make an amendment regarding the liability of the railway for goods carried at owners' risk rates by making the railway liable not only for the loss, but also for destruction or deterioration of a complete consignment, or complete package, forming part of a consignment unless it is able to prove that the loss, destruction or deterioration was not caused by misconduct or wilful neglect of its servants or agents.

The section at present is not clear to the ordinary layman. It might seem that the Government could be regarded as liable in any case, but there have been decisions of the Supreme Court which have held that under the section as worded now, the Government is only liable for loss and not for destruction or deterioration. It is proposed to remedy that in favour of the public.

The other alteration is that it is proposed to make it perfectly clear in the section that the onus of proof is upon the railway if it wishes to prove that the loss has not been due to misconduct or wilful neglect of its servants. That is to say it brings the clause into line with section 25. At present the two sections are somewhat in conflict. I beg, Sir, to move that the Bill be read a second time.

The Hon. the Acting Director of Public Works :—

I beg to second the motion.

The Hon. the Attorney-General :—

I beg, Sir, to move that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

The Hon. the Attorney-General :—

Short title: Clause 1.

I beg, Sir, to move that this clause be amended by substituting "1927" for "1926."

The motion was agreed to.

The Hon. the Member for the Egba Division :—

Clause 2.

Your Excellency, I have here a suggested amendment to that clause. It is this: Add, after the word "package" in the eighth line of section 2, the words "or part of a package."

If Your Excellency will allow me—

His Excellency :—

Will the Honourable Member kindly let me have his suggested amendment in writing?

The Hon. the Member for the Egba Division :—

I made this suggestion that an amendment should be made because after all it does not make much alteration to the Bill as it is now. What the mercantile community desire is that the railway should be made liable not only for loss of a whole consignment, or a package that forms part of the consignment, but also for part loss or destruction of a package. I will just explain why. Some time ago there was some trouble over the loss of cotton goods that were sent by the same railway. It transpired that the package arrived but some pieces had been taken out of it. The railway of course refused to accept liability; they could not accept liability because they were liable only for a consignment in bulk, and this was only part of the consignment.

Now, according to this Bill, if the whole bale had been lost, the railway would have been liable, if only three-quarters of the consignment had been extracted, the railway was not liable. This is why I ask that an amendment should be made in the Bill.

The Hon. the General Manager of the Railway :—

Your Excellency. Dealing with the Honourable Member's amendment, the railway in most cases quote two rates, one is at the owner's risk, and the other is at the railway's. Generally speaking, shippers, and all others who consign to us goods and materials prefer to consign, at the lower of the two rates, that is, at the owner's risk. In a year I daresay to a big company the saving on this owner's risk as regards the railway is pretty considerable. I think I am right in saying, Sir, that under the owner's risk clause the railway is absolved from any liability in case of part loss of a package. What would be the position of the railway if, under the owner's risk laws, they accepted liability for the loss of a piece of goods, or for anything that happens to have been extracted or removed from a package handed to them?

In Nigeria we labour under considerable difficulties. For instance, in the case of spirits, wines and beers, all of which are opened and examined with a view to getting a rebate on customs duty, and in the process of which there may be some breakages. Nothing is paid on the broken parts. They again are fastened up and sent through to their destination.

If the Honourable Member's recommendation is accepted, it would mean a very great delay to all packages, and it is impossible for the railway to say whether the contents of any package are as invoiced if there has been no mark of any attempt made to open the packet. I am very sorry Sir, but I should certainly oppose the recommendation to amend this, and from the railway's point of view, we could not think of it.

His Excellency :—

In view of what the General Manager has said, does the Honourable Member wish to press his amendment to a Division?

The Hon. Member for the Egba Division :—

No, I do not Sir, because if I do I shall lose it.

The amendment was withdrawn.

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 Acting Director of Public Works, the Bill was read a third time and passed.

THE WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT)
(AMENDMENT) ORDINANCE, 1927.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the West African Frontier Force (Nigeria Regiment) Ordinance." This Bill, Sir, makes a considerable number of amendments in the West African Frontier Force Ordinance.

Most of them are of a formal nature and some are designed to bring our own laws governing the West African Frontier Force into line with the "Imperial Army Act" and the "King's Regulations." The only amendment I think, Sir, I need mention specifically is the alteration as regards section 81 of the principal Ordinance, whereby the method of calculating gratuities is made to correspond with the method in force in the other West African Colonies. The method is rather more favourable to the soldier. All the provisions of the Bill are set out and explained in detail in the table which has been published with the Bill and I think I need not take the Council through them item by item. I beg, Sir, to move that the Bill be read a second time.

The Hon. the General Manager of the Railway :—

I beg to second the motion.

The Hon. the Attorney-General :—

I beg, Sir, to move that Council go into Committee to consider the Bill clause by clause.

Council in Committee.

The Hon. the Attorney-General :—

Section 25. I beg, Sir, to move two small amendments to Clause 25. In the proposed new section substituted for section 72 (3), in the first proviso on page 12 the word "fifteen" occurs in two successive lines, "Provided that no soldier shall be allowed to re-engage for any period which will cause the total period of his service with the colours to exceed fifteen years, but upon completing such period of fifteen years' service with the colours, he may, etc., etc."

I beg, Sir, to move that the word "fifteen" in those two places be altered to eighteen. I should like to say that the inclusion of the word "fifteen" is a mistake. The word there was originally "eighteen" and in the present Ordinance is "eighteen." It was altered to "fifteen" in the next proviso and by an error, it was altered also in this proviso. The amendment therefore is really a correction of a clerical error.

I beg, Sir, to move that the word "fifteen" in lines 12 and 13 of the first proviso in sub-section 3 of the proposed new section 25, substituted for section 72, be altered to "eighteen."

The amendment was passed.

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 General Manager of the Railway, the Bill was read a third time and passed.

THE WEST AFRICAN FRONTIER FORCE RESERVE ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "The West African Frontier Force Reserve Ordinance, 1926."

This Bill, Sir, repeals Chapter 38 of the Laws and substitutes similar provisions with slight alterations, in particular the title of the Reserve is altered to the "Nigeria Regiment Reserve," a shorter and equally expressive title. The other amendments are more or less of a formal nature.

Provision is made for a declaration on enlistment or re-engagement and provision is also made for the granting of bounties. This was previously done in the West African Frontier Force (Nigeria Regiment) Ordinance, but in the Bill which we have just passed, it has been cut out and it is therefore necessary to put it in this Bill where it is more properly included.

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

The Hon. the Acting Secretary, Southern Provinces :—

I beg to second the motion.

The Bill was read a second time and Council went into Committee thereon.

The Hon. the Attorney-General :— *Short title. Clause 1.*

I beg, Sir, to move that this clause be amended by substituting "1927" for "1926."

The motion was adopted.

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 Secretary, Southern Provinces, the Bill was read a third time and passed.

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Widows' and Orphans' Pensions Ordinance."

Under the present wording, Sir, of the Widows' and Orphans' Ordinance an officer who is not of pensionable standard, that is to say whose service is not of such a nature or of such length as would render him eligible for a pension if he were retired on medical certificate, and who is transferred to other branches of the Colonial Service outside West Africa, is compelled to cease contributing to the West African Widows' and Orphans' Pensions Scheme, and after a given period he ceases to rank as a beneficiary. It is clear that in some cases this causes a very real hardship and this present Bill proposes to remove that hardship by providing that a married contributor, or a contributor who is a widower with children of pensionable age, who is transferred to

another service under the Crown may continue to contribute to the scheme although not of pensionable standing at the time of transfer. It further proposes to make that amendment with retrospective effect.

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

The Hon. the Deputy Chief Secretary to the Government :—

I beg to second the motion.

On the motion of the Honourable the Attorney-General, Council resolved itself into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Section 2. I beg to move an amendment to this section. It is that the word "cease" on the last line on page 4 of section 3 should be deleted, and the words "have ceased" be substituted for it. The substitution is better English I think.

The motion was agreed to.

The Hon. the Attorney-General :—

Short title and application. Clause 1.

I beg, Sir, to move that this clause be amended by substituting "1927" for "1926."

The motion was agreed to.

Council then resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Deputy Chief Secretary to the Government, the Bill was read a third time and passed.

THE PRISONS (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Prisons Ordinance."

This Bill, Sir, proposes to make three amendments in the principal Ordinance. The first is to make a necessary addition to the definition of "Sheriff" in the principal Ordinance by adding thereto the following words :—" and any administrative officer detailed under the provisions of section 8 of the Sheriff's Ordinance by a Resident in charge of a province to perform the duties of a sheriff in relation to the carrying out of a sentence of death."

The second object is to make it clear that the sheriff's duties in connection with prisoners condemned to death are limited to carrying out the sentence and do not extend to the safe custody of the prisoner during the period between sentence and the day of execution, thus avoiding dual control during such period.

At present, as the Ordinance is worded, there is a certain amount of doubt and in certain cases there is dual control over a condemned prisoner, and that is very undesirable. It is therefore most desirable to make it clear to whom the control of a condemned prisoner is given between the time of sentence and that of actual execution.

The third object is to simplify the procedure in connection with returning a prisoner to his home upon discharge. This is an important matter which has, up till now, been under-estimated: it is most desirable that the procedure in this connection should be as simple as possible.

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

The Hon. Mr. E. J. Arnett, Senior Resident :

I beg to second the motion.

On the motion of the Honourable the Attorney-General, Council resolved itself into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Short title and application. Clause 1.

I beg, Sir, to move that this clause be amended by substituting "1927" for "1926."

The motion was agreed to.

Council then resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. J. Arnett, Senior Resident, the Bill was read a third time and passed.

THE 1925-26 SUPPLEMENTARY SUPPLY ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of the Bill entitled "The 1925-26 Supplementary Supply Ordinance, 1926." This Bill, Sir, is in the usual form and I beg to move that it be read a second time.

The Hon. the Treasurer :—

I beg to second.

On the motion of the Honourable the Attorney-General, Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Short title and application. *Clause 1.* I beg, Sir, to move that this clause be amended by substituting "1927" for "1926."

The motion was agreed to.

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 Treasurer, the Bill was read a third time and passed.

THE MINERALS (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Minerals Ordinance." The amendments proposed by this Bill have been under consideration for a very considerable time and are in themselves somewhat numerous, and many of them are of considerable importance to the mining community, especially in the Northern Provinces. The Bill makes a number of amendments to the Minerals Ordinance and these are all set out in detail in the table of amendments published with the Bill. I propose, Sir, with your permission, to refer to a few of the more important of them.

Clause 3 (c) of the Bill amends section 3 (2) of the principal Ordinance so as to give the Court power to order forfeiture of the value of minerals won when the minerals themselves cannot be forfeited, as for instance when they have already left the country.

This is a very necessary provision since large sums may be won by illegal mining and there is no adequate remedy unless the Court has power to order forfeiture, or the payment of an amount equal to the minerals won.

Clause 4 of the Bill introduces a new section into the principal Ordinance whereby it is proposed to require that a licence be taken out as regards underground mining. This is a very necessary precaution.

Clause 5 of the Bill makes an important addition to section 4 of the Ordinance by including "galena."

Clause 9 of the Bill inserts a new section into the principal Ordinance dealing with compensation to owners and occupiers. This new section is similar to section 6 (3) of the Mineral Oils Ordinance, and it is necessary to entitle natives in the Northern territories to compensation for disturbance.

Clause 15 of the Bill amends section 11 (4) of the principal Ordinance and is designed to clear up doubt as to priority of claims. That is a matter of great importance to the mining community.

Clause 16 of the Bill amends section 11 (5) of the principal Ordinance in important particulars, especially in the maximum size allowed for an exclusive prospecting licence, which has been reduced to eight square miles instead of sixteen which is unnecessarily large.

Clause 19 of the Bill amends section 15 (4) of the principal Ordinance so as to compel the holders of prospecting licences or prospecting rights to report the discovery of any precious mineral.

Clause 20 of the Bill amends section 16 of the principal Ordinance and in particular it removes the requirement for continuous working which is no longer considered necessary. The word "adequately" has been retained, but in view of the proposal that properties can be grouped, it is not necessary to retain the requirement as to continuous working provided that the Chief Inspector of Mines is satisfied that adequate working of mines is going on over the property in charge of one company.

Clause 27 of the Bill amends section 22 (1) of the principal Ordinance in the same way as regards mining rights.

Clause 28 of the Bill amends section 22 (2) of the principal Ordinance by removing the requirement that the responsible agent must be a European. That is no longer necessary.

Clause 34 amends section 42 of the principal Ordinance which deals with water rights. The question of water rights has come into great prominence lately in the mine field and is a subject of very great difficulty. The new section, it is hoped, will prove satisfactory. It provides for three distinct grants. The first is the grant of a water right. That is provided for by sub-section (1), which is really the equivalent of the present section 42.

Secondly, provision is made for the granting of provisional permission to use water; this is on the analogy of section 19 of the Ordinance which grants permission to mine. It is distinct from the third which is the grant of provisional water rights.

Provisional water rights are necessary to protect in advance the prospective rights of an applicant for a mining lease, for if he got a lease without water rights his lease might be entirely useless.

Clause 44 of the Bill repeals section 69 which has become unnecessary in view of the enactment of the Land Registration Ordinance, 1924. If Clause 69 were to remain in the Ordinance there would be duplication in the registration of instruments, and that is considered neither necessary nor desirable.

Clause 45 (b) of the Bill makes a very important addition to section 70 of the principal Ordinance, that is the section which empowers the Governor-in-Council to make regulations. The addition made is specific power in regard to carbonaceous minerals to exempt licences in respect of them from the requirements of section 45 of the Ordinance as to survey. The lignite in Nigeria, it is hoped, will shortly prove a matter of considerable importance and regulations have been framed to enable licences in respect of it to be granted. This clause is an essential provision to enable the Governor-in-Council to exempt in such regulations, persons who are looking for lignite or working lignite from the provisions as to survey which would be unnecessarily onerous in regard to lignite concessions.

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

The Hon. the Mining Member :—

I beg, Sir, to second the motion and in seconding it, I wish, on behalf of the Chamber of Mines, who are the representatives of the mines, and who are looked upon by Government as representatives, to thank you, and I wish, at the same time to let Honourable Members know the way in which the mining industry is being administered. It is very necessary that this should be done. The field is growing and any amount of work is being carried out, which we will be found to be doing practically contrary to the law with the sanction of the Government. Our legal authorities interpret the law; that is to say, any difficulty that has arisen in the interpretation of the present Ordinance has come down to our legal friends, and they have put a definite meaning on it. The Chamber of Mines has been working on these lines for the last eighteen months or two years. We have had various meetings with the Chief Inspector of Mines at which our side was put forward; His Honour also gave us several meetings when he came up to the Northern Provinces. I think the Bill as amended will prove of great value to the mining industry and of great value to the Government in that it will be easier for them to administer the law and much easier for us to work under it and we shall in future not do the things we should not be doing and that we do not realise are wrong.

I beg to second the motion.

The motion was agreed to and the Bill was read a second time.

On the motion of the Honourable the Attorney-General, the Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Clause 18. I beg, Sir, to move that this clause be amended by deleting therefrom paragraph (a) and the letter (b) at the beginning of paragraph (b), so that the first paragraph will disappear, and sub-section 1 of the principal Ordinance will be amended only by adding at the end thereof the words "or both."

This amendment was originally suggested by the Local Council of the Chamber of Mines and was accepted by the Acting Chief Inspector of Mines, but on reconsideration, the Chief Inspector of Mines thinks the clause is objectionable as it will make it more difficult for him and his officers to detect illegal mining, and I understand the inclusion of the clause is not pressed by the Local Council.

I therefore beg to move that Clause 1 be passed as amended.

The motion for the amendment was put and carried, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Major J. M. Fremantle, M.B.E., Senior Resident, the Council resumed, and the Bill was read a third time and passed.

THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT)
ORDINANCE, 1926.

The Hon. the Attorney-General:—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the European Officers' Pensions Ordinance."

The object of this Bill, Sir, is to enable service in the Cameroons to count as residential service for the purpose of the European Officers' Pensions Ordinance.

It is a curious thing, Sir, that although similar provision was made in regard to service in East Africa it has never yet been found necessary and has never occurred to anyone that it was essential to make similar provision for service in the Cameroons. It is a necessary provision and I beg to move that the Bill be read a second time.

The Hon. Captain W. A. Ross, C.M.G., Senior Resident:—

I beg to second the motion.

The Bill was read a second time, and on the motion of the Honourable the Attorney-General, the Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General:—

Clause 1. I beg, Sir, to move that "1927" be substituted for "1926" in this clause.

The amendment was adopted: the Council resumed and on the motion of the Honourable the Attorney-General, seconded by the Honourable Captain W. A. Ross, C.M.G., Senior Resident, the Bill was read a third time and passed.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General:—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Criminal Code Ordinance."

This Bill, Sir, proposes to amend the Criminal Code in five particulars. The first is the proposal to insert a provision which will enable a Court upon recording a conviction for bribery and a number of similar offences to order the forfeiture of the bribe or other property which has passed in connection with the commission of the offence. I think every member of the Council will agree that that is a very necessary and desirable provision.

The second particular in which it is proposed to amend the Code is to give more extensive powers to the Government to check the circulation of seditious literature in Nigeria. The particular point as to which increased powers are necessary is the prevention of the importation of seditious literature. There is at present nothing in the Criminal Code which quite meets the requirements. There is, however, an Order-in-Council under the Customs Ordinance (Order-in-Council No. 2 of 1921) which gives certain powers to the Comptroller of Customs and enables him, subject to the direction of the Governor, to prevent the ingress of certain literature which he may consider seditious. This is not at all satisfactory, and I think Honourable Members of the Council will agree that the Comptroller of Customs is not the proper officer upon whom the onus of deciding whether literature is seditious or not should be cast.

If and when this Bill is passed, it is proposed to repeal that Order-in-Council. The proposed new section dealing with this subject has been largely drawn from a Straits Settlements Ordinance, No. 151, entitled "Seditious Publications", and in drafting the new clause I have endeavoured to incorporate into it all the useful provisions of the Straits Settlements Bill and the useful provisions of our own existing section.

The third particular in which it is proposed to amend the Criminal Code is to bring the penalty awardable under section 194 in conformity with that under section 219 of the Customs Ordinance. Both these sections



deal with the same offence, that is to say, shooting at customs boats or officers, and it is desirable that the penalty should be the same in each case.

Fourthly, the Bill proposes to repeal section 232 of the Criminal Code and substitute other provisions. This section deals with obscene publications and exhibitions, and it is felt that the present provisions are not adequate. In particular there has been an International Convention on the subject to which Nigeria has adhered and an amendment is necessary in order to make our law conform with that Convention. The proposed new section covers everything which the Convention prescribes and also everything it is desirable to retain out of our present section which is repealed.

The last particular in which it is proposed to amend the Criminal Code is comparatively unimportant. It is simply to make it an offence to obtain registration under the Legislative Council regulations by a false pretence. It is now an offence so to obtain registration under an Ordinance, but this does not include the present Legislative Council regulations.

The Hon. Mr. R. A. Roberts, C.B.E. Senior Resident :

I beg to second the motion.

On the motion of the Honourable the Attorney-General, the Council went into Committee to consider the Bill clause by clause.

The Hon. the First Lagos Member :—

Clause 3. I beg to move an amendment, Sir, to Clause 3. My amendment deals with the deletion of the words "or has in his possession" in section 3 (b) and (d) and in sub-section (3) the words "or in whose possession it is found."

Nobody, Sir, would quarrel with the suppression of sedition in the Colony, but it seems to me that when you have got the prohibition of importation, printing, sale and distribution of seditious matter you have got all that is required. I can well imagine that in certain cases a man may have in his possession bills or newspapers which contain seditious matter: he probably has not seen it; it just happens to be amongst his papers. Under this Ordinance, now, it would be an offence for it to be found in his possession. I submit that under this clause as it stands at present, some innocent people would be brought in, and I do not think you would be jeopardising anything at all in the Ordinance if these words were deleted from the provisions. On the contrary, it would tend to improve it.

The Hon. Member for Calabar :—

I beg to second the amendment.

The Hon. the Attorney-General :—

The proposal requires some consideration.

The Hon. the Commercial Member for Calabar :—

Might I suggest, Sir, that as there seems to be little prospect that this session will close this afternoon, and in all probability it will last to-morrow morning, that we might adjourn this particular business until to-morrow morning? I know we must be very careful in wording any section.

His Excellency :—

Very well, leave this Bill in Committee and go on to the next.

Bill left in Committee.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the Shipping and Navigation Ordinance."

This Bill, Sir, seeks to make four amendments in the principal Ordinance. The first is of some importance. It is designed to provide for the survey and registration of all steam vessels whether they carry passengers or not. At present under the Ordinance the survey of steam vessels is confined to those which carry passengers. It is now considered necessary that all steam vessels should be surveyed. These necessary amendments to the principal Ordinance are effected by Clauses 2-5 of the Bill.

The second amendment is designed to give the Director of Marine discretionary power to modify the conditions for sea-going vessels when they do not go beyond ten miles from the shore and do not remain at

sea at night. It is considered suitable in such cases that the Director of Marine should have discretionary power to modify conditions for such vessels. This is effected by Clause 6 of the Bill.

The third proposal is also of some importance. It proposes to extend the application of Part VI of the principal Ordinance to the whole of Nigeria instead of confining it as at present to the Colony. This part deals with the licensing of boats, and it is proposed to extend that licensing to all boats in the Protectorate except canoes. That object is effected in Clauses 7-11 of the Bill.

The fourth object of the Bill is one of quite minor importance. It is simply to make it clear by whom fees on transfer or mortgage are to be paid. That is not quite clear from the wording of the schedule.

The Hon. the Acting Secretary for Native Affairs :

I beg to second the motion.

On the motion of the Honourable the Attorney-General, Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Clause 1. I beg, Sir, to move that "1927" be substituted for "1926."

The motion was adopted, and Council resumed. On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary for Native Affairs, the Bill was read a third time and passed.

THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1926.

The Hon. the Attorney-General :—

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to regulate Motor Traffic on Highways."

The Bill now submitted to Council, Sir, is that prepared by the Committee which sat last year and was appointed by Your Excellency to consider the terms of the Nigerian Motor Traffic Ordinance in the light of the Gold Coast legislation on the subject. I know that amendments to the present legislation have been proposed by the Committee and these are fully explained in the Report which has been laid on the Table and which has doubtless been subjected to the careful scrutiny of all members. The Report of the Committee was unanimous. It has been accepted by Government and I trust that its recommendations will prove acceptable to this Council. The only two points upon which I think it is necessary for me to speak to-day are two of a somewhat unusual character and that is why I mention them. The first is the proposal to take power in the Ordinance to make regulations for compulsory insurance against third party risks. I wish to make it abundantly clear to the Council that this is not a proposal emanating from the Government. It is a proposal which originated with the Nigerian Motor Traders' Association and has the support of the Lagos Chamber of Commerce. The proposal is of a somewhat unusual nature and there are few if any places in the world where similar provisions are in force, but as will be seen from the Report a similar proposal is under the consideration of the Home Government and the Ministry of Transport at home hopes to introduce it in regard to hackney carriages at any rate. I hold no brief on behalf of the Government for this proposal but as I say it is a proposal which emanates from the Nigerian Motor Traders' Association and is supported by the Lagos Chamber of Commerce, and has the approval of the Government.

The second point that I wish to mention is the proposal to fix upon owners of cars liability for injury caused by the car when driven by a servant acting outside the scope of his employment. This also is an unusual provision. It is an extension of the common law upon the subject and it has not been made by the Committee without the very fullest consideration, and without believing that it was very necessary owing to the peculiar circumstances of traffic in Nigeria. The exact wording of a clause giving effect to the intention is one of considerable difficulty. The clause which appears in the Bill was reconsidered at a subsequent meeting of the Committee, but it did not meet altogether with satisfaction, and I shall propose an amendment to it which the Committee thought suitable, but which I am not by any means satisfied with myself at present. Perhaps some other Honourable Member will have an amendment to propose which will meet all points and which I can accept. It will not be convenient, Sir, to bring the

new law into force until 1st January next year, more particularly because the provisions as regards licences and registration must operate from the commencement of a year.

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

The Hon. the Comptroller of Customs :—

I beg to second the motion.

On the motion of the Honourable the Attorney-General, Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Clause 2. I beg, Sir, to move two amendments to this clause. In moving the first of these amendments, I should like to mention, Sir, that after the Bill was published as a Bill in the *Gazette*, a number of persons, both official and unofficial I am glad to say, availed themselves in this case of the opportunity which publication is intended to give and brought to the notice of the Government a number of points on which they considered amendment might be desirable.

As many members of the original Committee as possible were got together and they considered the suggestions made, and they have put forward a number of suggested amendments, most of them not of any great importance, which I shall move as the points come up for consideration.

In *Clause 2* the amendment proposed is with regard to the definition of "hackney carriage" and "stage carriage." First of all it is proposed that the words "designed to carry not more than six persons in addition to one driver" be deleted in the definition of "hackney carriage." Secondly, it is proposed that the words "exceeding six in number" be deleted from the definition of "stage carriage." When those words are deleted the distinction between hackney carriage and stage carriage will rest, not upon the numbers carried, but upon the use to which they are designed to be put.

A careful examination of those two definitions together would reveal the fact that when the numbers are included there are certain carriages which are not included, and that of course is not intentional.

It is unanimously agreed by all members of the Committee which prepared this Bill that those two definitions should be amended in the way I have indicated.

I beg, Sir, to move the amendment of the Clause.

The Hon. the Commercial Member for Calabar :—

May I ask, Sir, if the Honourable the Attorney-General is satisfied with the descriptive words "of the touring car type"? Does that not exclude many things, for example, cabriolets, limousines, saloon cars, etc.?

The Hon. the Attorney-General :—

No, I can only say in regard to that, Sir, that that was the description suggested by the technical members of the Committee and they were satisfied that that met with the intention. The intention was not that such cars as limousines should be excluded. I think there will be no difficulty in interpreting it, and that under the Ordinance such cars will be included.

The Hon. the Commercial Member for Calabar :—

In connection with that, Sir, every single manufacturer advertising touring cars mentions motor saloons as though they were something quite different. I think it is possible that someone with a saloon car might get off.

His Excellency :

Is there any danger of it being so interpreted?

The Hon. the Attorney-General :—

Perhaps the Director of Public Works could help us in regard to this matter?

The Hon. the Acting Director of Public Works :—

"Hackney carriage" means any motor vehicle of the touring type standing or plying for hire on a highway, designed to carry not more than six persons in addition to one driver and does not include a stage carriage. The difference between a hackney carriage and a stage carriage is that the former plies for hire and in the latter, the passengers pay separate and distinct fares.

The Hon. the Attorney-General :—

I think perhaps, Sir, that would meet the difficulty. I am prepared, Sir, to move that, in addition to the words already proposed to be deleted, the words "of the touring car type" be also deleted. Would that meet the suggestion of the Honourable the Commercial Member for Lagos?

The Hon. the Commercial Member for Lagos :—

Yes, Sir.

The amendments were agreed to.

The Hon. the Banking Member :—

Clause 5.

I beg, Sir, to move an amendment to Clause 5, sub-section 3. I should like the words in the first line following the word "on" to the word "on" in the fourth line to be deleted. This sub-section, Sir, allows for quarterly licences in the case of commercial vehicles only. I see no reason whatever why in this country it should not be possible for the ordinary private owner to take out a quarterly licence as he does in England, and in this country particularly owing to the peculiar circumstances under which our people live. A man doing an eighteen months' tour, for instance, who is due to go home in April, has to pay a year's licence. I see no reason whatever why there should not be quarterly licences.

The Hon. the Commercial Member for Calabar :—

I should like to second that. It seems to me that if there should be any distinction it should be in favour of the private owner because commercial vehicles in this country belong either to people who live all their lives in the country, or to firms who carry on with their work throughout the year without interruption. The private car owner is in a very different position, and if there is to be any distinction in the granting of quarterly licences, I suggest that the case is stronger from the point of view of the private owner.

The Hon. the Attorney-General :—

May I say in regard to that, Sir, that this was one of the points (*i.e.*, the provision for quarterly licences for all vehicles) which was considered by the Committee when they re-assembled, and the Committee agreed with the principle that quarterly payment should be possible in respect of all vehicles, or rather that in respect of vehicles other than commercial vehicles a refund for any quarter should be possible. Originally the distinction was made for the reason that in some parts of the country commercial vehicles are definitely out of use for considerable periods of the year at a stretch owing to the seasonal nature of the produce traffic, and for that reason this clause was definitely introduced. The way the Committee proposed to meet the proposal which the Honourable Member has now made was by adding a clause to draft regulation 12 of the Regulations. I do not know if the Draft Regulations are before the Honourable Members, but they are included in the report of the Committee. It will be seen that sub-regulation (6) of those Regulations provides for a refund of the proportion of the fees paid in the event of the removal of the vehicle or in the event of the licensing authority being satisfied that the vehicle will not be used again in Nigeria during the period of availability of the licence.

The Committee proposed to add a new clause providing for a similar refund in all cases where the vehicle was removed for a quarter or the licensing authority was satisfied that the vehicle would not be used in Nigeria during a quarter or rather, had not been used in Nigeria during a quarter. It was felt that the licensing of all vehicles by the quarter would throw a very considerable amount of more work upon the licensing authority which was unnecessary if a man could get a refund if, *bona fide* he was not going to use a car during a whole quarter. If the Honourable Member who moved the amendment presses for it, I shall not oppose it, but perhaps in view of the provision in this proposal, he will be satisfied.

The Hon. the Banking Member :—

I regret that I must insist upon pressing my motion. Getting a refund is altogether a different matter from paying part of a year's tax. We all know what happens when one has to get a refund and frequently the ordinary busy person would much rather let it go than fill up the necessary forms and go to the trouble involved in getting such a refund.



His Excellency :—

It is proposed that Clause 5 be passed as amended. Will those in favour say "Aye," those against say "No."

The "Ayes" have it.

Clause 5 to be amended accordingly.

The Hon. the Attorney-General :—

Clause 8. Before we pass to Clause 9, Sir, I have an amendment to propose to Clause 8. It is of a formal nature. I wish to propose that at the end of sub-section 2 after the words "shall notify the Central Registrar of such refusal," these words be added :—"and in the case of refusal to renew, shall make the necessary entry consequent thereupon in his register." Those words are necessary to lay down that the necessary formalities be carried out.

His Excellency :—

It is proposed that Clause 8 be passed as amended. Those in favour say "Aye," those against say "No."

The "Ayes" have it.

The Hon. the Attorney-General :

Clause 9. I rise, Sir, to propose an amendment to this clause. It is merely for the improvement of the wording. I move that a comma be inserted after the word "alters" in the first line, and "or" be deleted, and the words "or fraudulently" in the second line be deleted and a comma inserted after the word "lends." That is merely an improvement of the wording. I beg to move, Sir, that the clause as amended, be passed.

The motion was adopted.

The Hon. the Attorney-General :—

Clause 11. I beg, Sir, to move two small amendments to this clause. I move that the word "or" be inserted after paragraph (i) and after paragraph (ii).

The motion was adopted.

The Hon. the Commercial Member for Lagos : -

Clause 12. I beg to move, Sir, that this clause be deleted and a new clause substituted. I have had copies of the proposed clause distributed.

"In addition to any liability imposed by the common law upon the owner of a motor vehicle for any injury or damage that may be caused by, or by reason of the use of, such motor vehicle he shall be liable for any injury or damage caused by any accident which occurs through the negligent driving of such motor vehicle by any person employed by him as a driver when not acting within the scope of his employment or by any other person permitted by him to drive such motor vehicle or by any person deputed or permitted by such driver or other person to drive such motor vehicle provided always that this provision shall not exempt from liability any other person who at common law is also liable for such injury or damage.

In this section "owner" means and includes the registered owner and the person in whom the property in the motor vehicle is vested."

This new clause imposes a slightly greater liability on the owner of a car than the clause in the Bill, as it stands. I should be very reluctant to advocate imposing any greater liability whatever on an owner except that I am informed that the liability can be covered by a very slight increase, if any increase at all, in the premiums for insurance against risks, and the benefit that outweighs any disadvantage is, I submit, this, that the law is very much simplified. As the clause stands the common law is altered by eliminating the defence of a servant acting without the scope of his employment: that is a defence which is developing into, I think you will agree, rather absurd proportions, and leads to a great deal of trouble which might be avoided. The increased liability that the new clause proposes is in the case, mainly, of hire or lending of a car. In reports of a whole batch of cases the question has been "who had the control of the car?" for the person who had the control is liable. I think that might be best illustrated in the case of hire of a car for a

day or a week. It does not matter. The arrangement might be that the hirer would say "I want you to supply me with a car and with a driver for a certain stated time, during which the car must be considered as my own car." In this case the hirer and not the owner would be liable. If, on the other hand, as for instance can be done with the Daimler people, you hire a car for a day or a week you don't have control of the car. A driver is supplied but you cannot interfere with the driving of it, you may only direct the driver where to go. In this case it is the owner and not the hirer who would be liable in the case of an accident. But there are a lot of cases in between where a great deal of legal subtlety comes in; and there is a great deal of litigation which might be avoided.

In short, Sir, my suggestion, is, as given by this wording, a very great simplification of the law so that it can be easily understood, and it would obviate a great deal of unnecessary and costly litigation and, further, there is another point, that it would be eliminating in many cases, the putting up of fraudulent defences. It is very easy, for instance, for a man to say whose car has been driven by his driver "I know it is my car; I know he is my driver; but I did not tell him to go out this afternoon. He went out on his own account." If he can establish that, he escapes liability. I have known cases where a fraudulent defence has been put up, when the defence has been: "But the servant was not acting under my orders at all; I did not know he was out." In other cases the defence was put up "Oh, yes; my driver substituted another to drive for the afternoon and I did not know anything about it." We may all know that he must have known, but it is difficult to establish it in face of such a defence as that.

Against the disadvantage of imposing a slight additional liability on the owner, which can be covered by a slight increase in the premium, we get simplification of the law which will obviate a great deal of unnecessary litigation and the elimination of fraudulent defences.

The Hon. the Attorney-General :—

I have much pleasure in accepting this proposal put forward by the Honourable the Commercial Member for Lagos. I think, Sir, in doing so I should let the Council know what was the proposal of the Committee when it reconsidered the clause. The Committee proposed to amend the clause as it is worded at present by inserting the word "registered" before "owner" in line 3, and secondly, after the words "owner of such motor vehicle" in the same line by inserting the words "and person or persons liable in common law." In other words the Committee realised that they had, in the original draft, failed to make provision that the person or persons liable in common law should continue to be liable, and also they wished to cover the registered owner, making him liable.

It will be seen that the present proposal put forward by the Honourable Member covers both those points, but so far as the owner is concerned, seeks to make both the registered owner and actual owner liable. Personally I think that is quite proper. I mention that because there has recently been a case I think, in which, when an injured party sought to sue the owner and went to find out who the owner was, he was met with the defence that "I am not the owner. I parted with the car a long time ago." The actual owner and the registered owner are not necessarily the same people and I think it only right that satisfaction should be got from either or both if necessary. Apart from that, Sir, the wording of this clause, which I wish to thank the Honourable Member for allowing me to see before the meeting of this Council, is, I think, a considerable improvement upon the wording which appears in the present Bill, and therefore I wish to accept it and to second the proposal for the amendment.

The Hon. the First Lagos Member :—

Your Excellency, I beg to propose that this amendment be left in Committee stage. Most of us are seeing this amendment for the first time and for my part I think it is a very important amendment, and I should like to consider it. I do not think it fair for Honourable Members to have to take a vote without due consideration of the proposals contained therein.

The Hon. the Attorney-General :—

May I propose, Sir, that we should proceed with the other clauses now and return to this clause to-morrow morning?

His Excellency :—

Will that meet with the Honourable Member's wishes ?

The Hon. the First Lagos Member :—

Yes, Your Excellency.

The Hon. Member for Calabar :—

Your Excellency. May I propose the addition of some words to that amendment ? I wish to propose the addition of four words which I think the mover will be prepared to accept and I do not wish to make another amendment. In the sixth line after the word "driver" add "of such motor vehicle."

I think it is quite a good principle that if anyone employs a driver to drive a Ford Lorry that he should be responsible for nothing but a Ford Lorry. But often in this country employers have more than one brand of vehicle and if a driver employed to drive a Ford Lorry went out with, say, a Crossley car there might be disastrous consequences. It would be rather hard on the owner of a private car if unknown to him, his driver was only authorised to drive a Ford.

My idea is to restrict somewhat the liability of the owner so that a driver should only drive a car which he is authorised to drive, and I think the Honourable the Commercial Member for Lagos will agree with me there.

The Hon. the Attorney-General :—

I see no objection.

The Hon. the Banking Member :—

Your Excellency, I rise to move the deletion of Clause 17, subsection (f). As an habitual user of the roads of Nigeria I welcome any measure which will tend to make the use of the roads safer for the law abiding traveller, but I do not see that this particular section is going to be of any particular help at all in this way. On the other hand it introduces an entirely new principle which so far, only two countries in the world have dared to adopt: Denmark, I believe, and the American State of Massachusetts. I have been told that this particular provision has the support of the Chamber of Commerce, but from conversations I have had with individual members I feel justified in saying that such support is by no means unanimous. I do not think that the whole aspect of this third party insurance clause has been sufficiently considered. The insurance companies, I may say, are dead against it, and when an insurance company objects to a thing on principle—as in the case of banks, the whole lot usually do, and I don't think they would be likely to go out of their way to make the operation of such a regulation particularly easy. I wonder whether the Committee, when framing this recommendation, considered that in doing so they were suggesting that the insurance companies out here should be given powers of great responsibility.

In other words by refusing to accept a proposal for insurance they would prohibit a member of the public from taking a car on to the road. It is easy enough to tell the general public that they must insure against third party risks but if Government did so they would at once incur a moral obligation to take some notice of the premiums charged by the insurance company, and there I suggest is the thin edge of the wedge, for some sort of Government control, however slight, on the business activities of insurance companies.

There is another point in connection with this and that is the difficulties in the way of the police. If every person, every motor car owner were insured against third party risks it follows I think automatically that whenever there is a case for dangerous driving which has resulted in an accident, the accused is going to be defended by an insurance company's lawyers in view of the subsequent civil proceedings which would undoubtedly be expected to follow. I do not think there is any other point at the moment, but I think I have said quite enough to convince this Council that there is more in it than just telling the public "you have got to insure your car." There are a number of possibilities about legislation of this sort. I do not think we should trespass on ground where the Government of Great Britain have, up to the present, feared to tread. (Cheers).

The Hon. the Mining Member :—

I rise, Sir, in support of the motion of the Honourable the Banking Member. I should like to know what would be the position if I went along to an insurance company to take out a licence and they said "No." Could I then come to the Government and say will you please insure me? There have been objections about it already in the Committee. I think the whole thing is wrong and the trouble involved would be very great. All that I can see is that it is going to be a big thing for the legal profession.

The Hon. the Acting Director of Public Works :—

I wish, Sir, to speak on another sub-section of this clause.

His Excellency :—

I think we had better wait a little.

The Hon. the Member for the Colony Division :—

Your Excellency, I strongly advocate the retention of this clause, and I do now wish to insist upon compulsory legislation for insurance. The majority of the people who drive motor cars on the roads are impecunious drivers against whom in case of accidents, no claims could be met. What would happen if the head of a family who happens to get run down sued the actual owner of the car? He would get nothing at all from him. What would be the position of the family if their breadwinner were run down and killed? I am not at all convinced by the arguments of the Honourable Member who has put forward this amendment. The object of the section is to prevent two things; if it is retained in the Bill dangerous driving will cease, and secondly, the family of a man who has been killed will get some benefit.

I read the debates of the House carefully on this question of third party insurance and it is by no means certain that it will not go through. We want something to protect us, and we have got to look at things from our own point of view. The only way we can do so is to get what safeguards we can, and the only safeguards as far as I can see, are those which have been introduced in this measure, by making it compulsory to insure motor cars.

I do not believe there is any attempt at the nationalisation of insurance companies. I am not so certain after all that the insurance companies would effect such insurance at premiums which would make it a hardship. I think it would be the other way round and I make bold to say that I think to a certain extent they would welcome such a scheme and would do what they could to make matters better for the assured. Honourable Members of the Council should take into consideration the community in which we live. We are not in England. A recent motor accident on the Ibadan road in which four paterfamilias lost their lives is a case in point. The owner of the offending car was impecunious and it was impossible for the injured party to obtain a claim.

I shall certainly vote against the amendment. We want compulsory insurance to protect the people. A whole lot of paterfamilias are continually being wiped out, and what do their dependents get? Nothing at all. We must safeguard ourselves, and the only way is by compulsory insurance.

The Hon. the Banking Member :—

I think I am entitled to reply. My Honourable Friend, the Member for the Colony Division has suggested that it is by no means certain that the insurance companies are opposed to this, but they say in a cable recently received that the "Accident Offices Association consider compulsory third party motor insurance to be generally impracticable from public aspect and very prejudicial to interests of Insurance Companies."

I quite agree, Sir, that it is extremely hard on anyone who is injured or killed by an impecunious driver. At the same time that is just one of the hundred and one risks that the average person runs in the course of his daily life.

But if provision is to be made whereby claims arising from accidents can be compulsorily recovered why limit this to motor vehicle owners alone? Why not make cyclists who cause half the road accidents insure,

or the careless pedestrian, or, to carry things to a logical conclusion, the owner of the goat that strays into the path and is the cause of an accident?

It would be a nice state of affairs if one could insure against all the evils of this life but until this time comes I don't see why motor car owners should be singled out for legislation of this description.

His Excellency :-

The amendment before the Council is that sub-section (f) of section 17 be deleted. I think this is a matter upon which there should be a quite free and open vote and I give no instructions to Government Members.

The motion for the deletion of the clause was put and carried by twenty-eight votes to five.

Honourable Members voted as follows :-

FOR—28.	AGAINST—5.
The Hon. the Commercial Member for Lagos.	The Hon. the Member for the Colony Division
The Hon. the Third Lagos Member.	The Hon. Mr. E. J. Arnett, Senior Resident.
The Hon. the Commercial Member for Kano.	The Hon. the Treasurer.
The Hon. the Member for the Oyo Division.	The Hon. the Commandant.
The Hon. the Member for the Rivers Division.	The Hon. the Attorney General.
The Hon. the Member for the Igba Division.	
The Hon. the Commercial Member for Calabar.	
The Hon. the Member representing the Niger African Traders.	
The Hon. the Mining Member.	
The Hon. the Banking Member.	
The Hon. the Member for Calabar.	
The Hon. the Member for Shipping. (Provisional).	
The Hon. the Second Lagos Member.	
The Hon. the Postmaster-General.	
The Hon. the Acting Director of Public Works.	
The Hon. the General Manager of the Railway.	
The Hon. the Acting Secretary, Southern Provinces.	
The Hon. the Deputy Chief Secretary to the Government.	
The Hon. Major J. M. Fremantle, Senior Resident.	
The Hon. Captain W. A. Ross, Senior Resident.	
The Hon. Mr. R. A. Roberts, Senior Resident.	
The Hon. the Acting Secretary for Native Affairs.	
The Hon. the Acting Comptroller of Customs.	
The Hon. the Director of Marine.	
The Hon. the Acting Director of Medical and Sanitary Service.	
His Honour the Lieutenant-Governor, Northern Provinces.	
His Honour the Lieutenant-Governor, Southern Provinces.	
The Hon. the Chief Secretary to the Government.	

The Hon. the Attorney-General :-

As a corollary, I beg to move the re-lettering of the remaining clauses.

The Hon. the Acting Director of Public Works :-

With reference to sub-section (f) of Clause 17, Sir, I should like to ask the Honourable the Attorney-General whether he thinks the clause as worded covers the production of the vehicle for inspection? From my experience I can say it will be found necessary that vehicles plying for hire be inspected fairly frequently.

The Hon. the Attorney-General :-

I do not quite understand the Honourable member's question.

The Hon. the Acting Director of Public Works :

I beg to move that the clause include provision that motor vehicles shall be produced at certain times and places for inspection.

The Hon. the Attorney-General :—

The clause as worded will enable a regulation to that effect to be made

His Excellency :—

It is proposed that Clause 17 be passed as amended.

The motion was carried.

The Hon. the Attorney-General :—

Clause 1. I beg to move, Sir, that clause 1 be amended by inserting "1927" after the word "Ordinance" in the second line, and by adding at the end "1st January, 1928."

The motion was carried.

The Hon. the Attorney-General :—

I beg to move, Sir, that we leave this Bill in Committee.

The motion was carried, and Council resumed.

THE BRITISH CAMEROONS ADMINISTRATION (AMENDMENT)

ORDINANCE, 1927.

The Hon. the Attorney-General :

I rise, Sir, to move the second reading of a Bill entitled "An Ordinance to amend the British Cameroons Administration Ordinance."

The object of this Bill, Sir, is to apply the Land and Native Rights Ordinance to the whole of the British Cameroons (except the Plantations) and to cancel the application of the Native Lands Acquisition Ordinance to the southern portion of the Cameroons. Honourable Members are of course aware that the land system in the Northern and Southern Provinces of the Protectorate is different. In the Northern Provinces the Land and Native Rights Ordinance is in force, and in the Southern Provinces the Native Lands Acquisition Ordinance. When the Cameroons Administration Ordinance was passed those Ordinances were applied and substantially one came into force in the southern portion of the Cameroons and the other in the northern.

It has been found exceedingly impractical to have two systems of land tenure in this British mandated area, and it is desirable that there should be only the one system in the British Cameroons. Moreover the system under the Land and Native Rights Ordinance is considered to be quite suitable for the southern portion of the Cameroons as well as for the north and it is therefore proposed to apply it throughout the British Cameroons.

The Bill, of which I am now proposing the second reading, makes the necessary provision by amending the first schedule to the principal Ordinance.

The Hon. the Director of Marine :

I beg to second the motion.

The Bill was read a second time and Council went into Committee to consider the Bill clause by clause.

The Hon. the Attorney-General :—

Clause 2. I beg, Sir, to move that in sub-paragraph (8) of this clause the blank before "February" be filled by to-day's date, that is the 4th.

The motion was adopted, and Council resumed. On the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Marine, the Bill was read a third time and passed.

THE 1927-1928 SUPPLY ORDINANCE.

The Hon. the Chief Secretary to the Government :—

Sir, I beg leave to read the Report of the Select Committee on the Supply Bill, a copy of which has been placed before each Member.

REPORT OF THE SPECIAL COMMITTEE OF THE
LEGISLATIVE COUNCIL APPOINTED TO CONSIDER THE
PROVISIONS OF THE 1927-28 SUPPLY ORDINANCE, 1927.

YOUR EXCELLENCY,

The Committee sat on the 1st, 2nd and 3rd of February, 1927.

They examined each Head of the draft Estimates and the details of the alterations which they recommend are shown in the schedule to this Report.

2. The financial effect of these recommendations is to increase the expenditure for the year 1927-28 by £130,688 and to decrease it by £28,463. The increase is therefore £102,225.

To give effect to these recommendations the following amendments will be necessary in the schedules to the Bill.

FIRST SCHEDULE.

Head 2.—Agriculture.—No change.

Head 8.—Education, Northern Provinces.—For £51,015 read £50,731.

Special Expenditure. For Nil read £250.

Head 12. Harbour Department.—For £54,269 read £51,769.
Special Expenditure. For £44,000 read £53,800.

Head 13. Judicial. For £18,071 read £18,091.

Head 17. Lieutenant Governor's Office, Southern Provinces,
Special Expenditure. For £625 read £825.

Head 19. Marine.—For £363,098 read £363,896.
Special Expenditure. For £91,450 read £91,550.

Head 20. Medical.—For £265,665 read £265,648.

Head 21. Medical Research Institute. For £7,691 read £7,992.

Head 22. Mines, Northern Provinces.—For £9,415 read £9,435.

Head 24. Miscellaneous. For £111,337 read £111,981.
Special Expenditure.—For £2,500 read £3,500.

Head 27.—Police, Southern Provinces and Colony.—For £147,980 read £148,380.

Head 28.—Posts and Telegraphs, Special Expenditure.—For £56,742 read £37,972.

Head 32.—Provincial Administration, Residents.—For £71,230 read £71,379.
Special Expenditure. For Nil read £1,200.

Head 33. Provincial Administration, Northern Provinces.—For £191,955 read £192,091.

Head 34.—Provincial Administration, Southern Provinces and Colony.—For £244,815 read £244,268.
Special Expenditure. —For £400 read £1,350.

Head 35.—Public Works.—For £207,929 read £207,979.

Head 36. Public Works Recurrent.—For £196,800 read £197,625.

Head 37. Public Works Extraordinary.—For £1,311,300 read £1,419,130.

Head 38.—Nigerian Railway. For £43,943 read £44,233.

Head 39.—Nigerian Railway, Capital Works.—For £373,518 read £376,453.

Head 40.—Sanitary.—For £88,562 read £89,262.
Special Expenditure. No change.

Head 44. Surveys. For £66,461 read £68,235.
Special Expenditure. —For £40,089 read £43,697.

Head 47.—W.A.F.F., Nigeria Regiment.—For £362,673 read £352,731.

Special Expenditure. —For £500 read £800;

and the total Expenditure will be £6,753,233.

SECOND SCHEDULE.

Total Expenditure, Railway.—For £2,527,443 read £2,527,733.
Deficit, Railway. For £43,943 read £44,233.

3. In Clause 1 of the Bill the words " nine million, one hundred and forty four thousand, two hundred and ninety eight pounds " should be deleted and the words " nine million, two hundred and thirty-six thousand, seven hundred and thirty-three pounds " substituted.

4. In Clause 2 of the Bill the words " six million six hundred and sixty thousand, seven hundred and ninety eight pounds " should be deleted and the words " six million, seven hundred and fifty-three thousand, two hundred and thirty-three pounds " substituted.

F. M. BADDELEY,

Chairman of Committee.

Lagos,

February 4, 1927.